8501

LYNCHING

Woman, 63, Slain; Witnesses Clam Up

ATLANTA, Ala. — Was there a lynching in Alberta, Ala. last month?

An NAACP investigation into the rumored brutal killing of a 63-year-old helpless paralytic woman at Alberta, Ala., by White county law enforcement officers apparently last week when witnesses shut up like clams.

Della McDuffie, after Sheriff [illegible] other officers gone into a cafe the night of the alleged lynching, Black [illegible] husband, Will [illegible] among those [illegible] instructions to the officers' blows.

Witnesses said the officers [illegible] the house containing the [illegible] beat the paralyzed woman [illegible] Then they dragged her [illegible] and threw her [illegible] Mrs. McDuffie died [illegible]

A white man had reported that the Negroes were playing a juke [illegible] after midnight Saturday, and officers went in "Dixie law" [illegible] or pull a stunt [illegible]

Justice officials in Mobile said they have learned that [illegible] had in any re[illegible] charges have existed [illegible] for years. [illegible] the NAAC[illegible] declared.

One [illegible] is said to have put a "[illegible]" in his gun for each Ne[illegible]

Brooke Hart Begged for Life; So Did His Killers 15 Days After

Angry Mob Stormed San Jose Jail And Public Saw a Double Lynching

(Editor's Note: All the remorse in the world couldn't have saved Jack Holmes and Thomas Thurmond that chill Sunday night. They had confessed the brutal slaying of 22-year-old Brooke Hart and the mob wanted blood. Here is the story behind the savage events of a November night 20 years ago, eighth in a series on famous crimes.)

By ALAN D. CLINE

SAN JOSE, Calif., Aug. 29—(AP)—Handsome curly-haired Brooke Hart thought it was a joke.

"This is my first holdup," he commented lightly.

But the two grim-faced men in the car didn't smile. One of them swore, and ordered young Hart to get in. A little more than an hour later Brooke Hart, 22-year-old junior executive in his father's San Francisco department store, begged in vain for his life.

Fifteen days later, on Sunday night, Nov. 26, 1933, the two men who took him for his last ride were begging for theirs.

San Jose, then as now, was a city of homes. Many of its residents had moved here to get away from larger northern California industrial centers, where they worked. An agricultural community, it was a center of the canning industry. It was a college town, with many cultural advantages. In short, it was typical of hundreds of similar cities the country over. Its people were average or above, by any standards.

IT WAS ONLY three hours after Brooke Hart was snatched that a telephone call came to his father, demanding $40,000 ransom. Two hundred police and FBI agents quickly set a manhunt in motion.

Their first suspect was Pretty Boy Floyd, public enemy No. 1. The kidnap looked like it had the Floyd touch.

But as a matter of routine, the telephone at the Hart home was tapped. It wasn't Floyd, but a man named Thomas Thurmond. Moving swiftly, police caught him still talking to Hart from a public phone in a San Jose garage, 150 feet from police headquarters.

It took only six hours of questioning to break him down. He confessed his part in the kidnapping and implicated Jack Holmes, who was staying in a downtown hotel.

WHILE POLICE waited outside, Thurmond entered his partner's room.

"Well, I've told the cops everything," he told Holmes.

"The hell you did! What did you do that for?"

The arrest was made before Thurmond got a chance to answer.

The next morning, each blaming the other, they told what happened to Brooke Hart.

As soon as they picked him up, they drove Hart to the San Mateo toll bridge, about 20 miles north of his father's store. There, the youth was methodically beaten, trussed with wire, weighted with granite blocks and tossed into the bay.

Thurmond told how young Hart pleaded for his life.

"What is this all about? Why are you doing this to me?"

The pair hadn't mentioned kidnaping or ransom. They just wanted Hart out of the way—fast. It never was quite clear why they killed him.

• • •

THE THIN-LIPPED Thurmond, whose brother was a preacher, called Holmes the "big plotter."

"I fell in with anything he proposed. Like on the bridge.

"Holmes says: 'Weight down Hart's feet with the bricks.' Each weighed 20 pounds. I ask him, 'is that enough?' He says, 'sure, 40 pounds would hold a horse to the bottom of the bay.'"

Holmes was wrong.

Police clamped the pair into the rugged city jail in San Jose.

The youth's badly-decomposed body floated to the surface, was recovered Sunday, Nov. 26.

Then the spark that had been flickering since Thurmond and Holmes were caught blew up.

People who formerly had walked past the old stone jail just to look, now stopped and growled. Cries of "lynch 'em" grew.

BROOKE L. HART, 22
Murder Victim

they gave Brooke Hart," one shouted.

• • •

THE CROWD roared as a small group, masked in white, stormed the jail. Tear gas repelled them.

But the supply of tear gas bombs soon ran out.

The guards were overpowered, and a cry came from the cell window:

We've got Holmes and we're bringing him to you. We're going to get Thurmond and let you have him too." A roar rose from the thousands massed in the square across from the jail.

The confessed murderers were dragged, kicking and screaming, to waiting nooses on two trees. Holmes was hauled by his feet, his head bumping against the concrete jail yard. One after another, men in the snarling crowd jumped on his face with their heels.

The last 1,000 feet was a mass beating. Every man that could reach them battered their faces and tore off pieces of their clothing.

• • •

THURMOND, STRUNG up first, was apparently unconscious by the time he was lifted to the noose swaying from an ancient oak. At least he offered no resistance. The crowd cheered as he twitched his last.

Holmes, his face a bloody pulp, fought his lynchers furiously. Twice the mob let him down and beat him until he was half conscious. Then, shouting happily, they jerked him aloft.

Police remained at a discreet distance, watching from across the street.

As the bodies swayed the crowd taunted:

"Well, how do you like it?"

Women lifted their children so they too could view the partly nude bodies.

Members of the mob held lighted matches under the hanged men's feet while onlookers jeered and cheered.

• • •

THE NEXT MORNING, ironically, the pair lay side by side with young Hart in the coroner's mortuary. San Jose returned to normalcy, but the Sunday night of violence aroused a storm of controversy throughout the country.

The double lynching was "a fine lesson to the whole nation," said Gov. James (Sunny Jim) Rolph. He congratulated the mob and promised to pardon anyone convicted of taking part in the hangings.

Rolph added he was checking the San Quentin and Folsom prisons for convicted kidnapers: "I am thinking of paroling them to those fine patriotic citizens of San Jose who know how to handle such a situation."

One university instructor had her class applaud for one minute "In honor of due justice rendered."

But not everyone held such views.

President Franklin D. Roosevelt called lynching "a vile form of collective murder." He said, "we do not excuse those in high places or low who condone lynching."

He didn't mention Rolph, but the inference was clear.

• • •

FORMER PRESIDENT Herbert Hoover signed a letter condemning Rolph's stand.

Ministers, teachers, professional groups and newspapers, all joined in the pros and cons.

Later, Rolph issued a statement in which he said he didn't approve of lynching "every day."

Gradually, the arguments subsided.

Thurmond and Holmes had perpetuated an amateurish, yet cold-blooded crime. It was their first brush with the law, neither had ever been arrested.

Holmes, son of a respectable tailor, and Thurmond had the same explanation for their desire for money which led to their crime: Women.

Although married and the father of two children, Holmes said he wanted to elope with an ex-girl friend. The former sweetheart quickly told police she wanted no part of him.

• • •

"A WOMAN GOT hold of me," said Thurmond. "She kept complaining I didn't earn enough money. Then she married somebody else. I've been screwy ever since."

Neither showed any remorse until the lynch mob thundered outside the San Jose jail that November night.

All the remorse in the world wouldn't have saved them then. "Unofficially," the mob," was the way the court put it in closing the case.

MOB OF MORE THAN 1,000 BATTERED DOWN SAN JOSE, CALIF., DOORS
Small Police Force Stood Helplessly by as Confessed Kidnapers-Slayers Died

Wide World Photos

ENRAGED MOB IN SAN JOSE DEFIES POLICE'S TEAR GAS
Confessed Slayers Later Dragged From San Jose Jail, Beaten, Hanged by Mob

8499

Accuses 2 Of Hush-Hush Lynching

A lynching, said to have occurred Jan. 17 near Unadilla, Ga., and heretofore unpublicized, was disclosed this week in a letter to the Chicago Defender, signed by James Turner of Ft. Valley, Ga.

Turner's letter identified the victim as 20-year-old A. B. Burnam, and named his assassins as J. E. Scott of Unadilla and Charles Karson of Elko, Ga.

Turner stated that an eyewitness told him that Scott and Karson shot Burnam to death on a road at the Houston and Dooly County line, about three miles from Unadilla.

The letter stated that Scott had been seeing the slain man's wife, Mrs. Mae Lizzie Haugabrooks Burnam, over a period of several years. She lives on Scott's place near Unadilla.

FINDS WIFE GONE

Young Burnam is said to have gone to his wife's home on the night of Jan. 16 to discover she had gone out with a boy friend named Buck Kendrick. After returning to the house three or four times, Turner declares that Burnam saw Kendrick embrace Mrs. Burnam on the porch of her home. This act is said to have led to a heated argument between Burnam and his wife and a fight between the two men.

Neighbors persuaded Burnam to leave the scene and he was driven to the home of Mrs. Zeffie Letson, where he lived. The following day, Burnam informed his wife that he was leaving her for good and that he wanted his clothing. Mrs. Burnam allegedly sent Johnnie Watkins to tell Scott to come to her home so that she could give Burnam his clothes, because she was afraid of him.

Watkins is said to have told Scott that Burnam was "a bad fellow" and something would have to be done to him. Scott did not call the police, instead he picked up Karson, the report charges the men armed themselves with rifles and a pistol and went after Burnam.

SHOT THREE TIMES

The eyewitness said they found the youth seated beside the road and that Karson shot Burnam in the stomach twice when Burnam started to run the report alleges that Scott grabbed his rifle and shot him in the back.

Burnam fell and Scott walked up and shot him twice in the back while he was on the ground, the eyewitness said. He said the men placed a knife in the dead man's hand after they had shot him.

8500

Sikeston Comes Back

Less than two months after the Japanese made their attack on Pearl Harbor, and while all elements of our population were being marshalled to support the war we had just entered, the name of a sleepy little town in Southeastern Missouri became a national byword.

It was in Sikeston on Sunday, Jan. 25, a Negro, Cleo Wright was brutally lynched and his oil-soaked body dragged through the streets of the Negro section and set ablaze in the yard of the Negro school.

The Sikeston lynching was not the most horrendous in our history, but it pointed out in bold relief one of the great weaknesses in our national unity because of the time at which it occurred. It was shocking even to many who were ordinarily indifferent to injustices against Negroes.

The Cleo Wright lynching in time became the symbol of the Negro's fight for integration in all phases of our national life and in 1942 the big issue was defended.

As a result of the impetus given the Negro's fight by the Sikeston lynching terrific strides were made. Negroes were integrated into the armed forces; President Roosevelt established the FEPC; racial barriers in a number of organizations and agencies began to wilt. Though he came to an ignominious death, Cleo Wright inadvertently served his people and his country well.

It was with a great deal of satisfaction that we learned the other day that Sikeston had elected a Negro undertaker, Fred Smith, to the city council. So it seems that after more than 10 years the fight that was stimulated by Sikeston's shame has been felt in Sikeston.

We hope that the election of this man to the council means that race relations have improved in Sikeston, that the people there have developed a mutual respect for each other and that they are able to dwell together as Americans should.

We would like to compliment all elements of the population of Sikeston as they enter upon a new era in the life of this sleepy little town in Southeastern Missouri.

We hope that some day Sikeston will be as well known for its practice of democracy as it once was for the disgraceful Cleo Wright lynching.

27a 1953

NORTH CAROLINA

We as examples of cases that might or might not be a lynching.

8497

Probe Suspected Lynching Of Young Dunn, N. C., Man

DUNN, N. C., Aug. 31.—Harnett county authorities were probing into circumstances surrounding the death of a thirty-year-old Erwin farmer early this week after his mutilated body was found in the Beaver Dam community, apparently left there after a spiteful death.

Deputy Sheriff B. E. Sturgill and Coroner C. Henderson identified the victim as John McLean, Route One, Erwin, and said that evidences were that he had been bound with a rope or wire, tied behind an automobile and dragged to his death. Skinned areas and bruises, they said, plus deep marks under the arms and across the shoulders indicated that McLean had been dragged to death.

Neither of the officers would say the violent death was possibly the work of Klansmen in the area, the Klan having allegedly warned one colored farmer not far from here last week to take better care of, and give better treatment to, a mule he owned.

A hint that McLean may have been slain in this fashion by some unidentified white persons was being considered one possibility in the initial stage of the probe. There are several deaths as lynchings on record in which the slayers fastened the bodies of their victims to the rear of automobiles and dragged them to death.

Reporters were unable to learn anything at all from Negroes here, or in the Erwin community early Monday.

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27d 1953

WHITE PRESS (SOUTHERN)

8502

THE INCREASING CRIME OF RAPE

No lynchings were committed anywhere in the United States last year. Therefore Tuskegee University, ardent chronicler, had no statistics to compile on that subject.

In order that his time may be usefully occupied it is respectfully suggested that the statistician of Tuskegee University hereafter endeavor to faithfully report the cases of rape that occur in our nation each year. Rape, as he probably knows, or should know, is the hideous crime that provoked lynchings in the days before our nation became lynchless.

The suggestion is provoked by the following paragraph on an inside page of Monday's issue of the Chicago Sun Times:

A gunman in an auto brazenly kidnapped an 18-year-old girl on the Southwest Side, beat and raped her. The driver stopped two girls on the street and asked for directions. Then he ordered both into his car at gunpoint. One of the girls, Carole Struwe, escaped. The kidnap victim later was thrown from the car in Dolton, about 17 miles south of Chicago.

If that ravishment had occurred anywhere in the South it would have been smeared all over the front pages of the Sun-Times and Chicago Tribune. But it so happens that it happened in their home city. Also, rape is a crime so common in Chicago that it is given little attention and causes no righteous indignation whatsoever.

Getting right down to serious consideration of the subject, we should have a nation-wide gathering of statistics on the crime of rape, and we should also have a nation-wide [illegible] against rape.

Never a day passes in any of our cities of a million or more population without at least one crime of rape being committed. It is becoming the commonest of crimes and police are so useless or apathetic that they rarely capture a rapist.

If statistics should be gathered showing the number of ravishments of helpless women each year maybe it would shock our nation into a realization of the fact that something ought to be done about it—something far more than court records show is being done at present.

Rape was far less common back in the days when rape meant rope. Lynchings are ghastly, of course, but far less ghastly than the fates of innocent women who must go through life carrying hideous memories forever burned in their minds.

8503

AJC AND NAACP REPORT:

No Lynching But 10 Bombings In '52

NEW YORK — Bombings and vandalism directed against minority groups have replaced lynchings in the United States, a report released by the American Jewish Congress and the NAACP stated.

Although there were no lynchings in 1952, there were at least 10 bombings and 30 acts of vandalism against these groups and federal and state governments did practically nothing to reduce racial and religious tensions.

Violence Decreased

The civil rights report by the two organizations was the result of a survey made during the year. It showed that mob violence against minorities seeking their full civil rights increased during the year.

The report accused the last Congress of not showing more indifference to the problem, but of demonstrating active opposition to racial and religious equality.

Police Kill 16

Dynamitings were directed at colored persons who attempted to move into homes in predominantly white sections in various cities across the nation, the 151-page report showed.

Brutality by police and other officers were fewer than in 1951, but [illegible] effective action against police misconduct had been lacking. Sixteen colored citizens were killed while in police custody.

In the field of education segregation was outlawed in New Jersey, New Mexico, Ohio and Pennsylvania.

At the same time only limited progress was made in opening state universities in the South to all races and a large number of northeastern private colleges and medical schools continue to discriminate against Jews and Italians.

House A Stronghold

Housing remains the strongest and most defended bulwark of racism in the country; while in employment and business, the firm employment laws were not used to the maximum.

The report cited the ending of racial segregation in the armed forces as progress, but pointed out that segregation still existed in the National Guard divisions in some states.

Hate groups were very active during the year and a large amount of anti-Semitic literature was circulated.

Complete equality for colored citizens is the aim of the NAACP, the organization stated and it is trying to educate America to this end and to stimulate the cultural life of colored persons.

Still Just A Dream

Lynching has been virtually abandoned as the weapon of bigots. In its place has emerged a new form of terror, the hate bombing.

That's what a report issued last week by the NAACP and the American Jewish Congress concludes.

The new pattern of violence is disclosed in the fact there were at least 10 bombings of homes, places of worship and public places in 1952.

And more disturbing is the disclosure that neither federal nor state governments did "little worthy of note" during the same period to reduce religious and race inequality.

Despite this official apathy, progress was noted. Although many voters were frustrated by discriminatory administration of registration, there was a 50 per cent increase in the number of colored voters in the South.

Several states, notably North Carolina, and Georgia did more to curtail Klan activities. And more hopeful was the ending of segregation in schools in various states.

Approximately one-third of the nation's working population was brought under fair employment legislation during 1952. This was done through passage by several cities of ordinances banning job discrimination.

Yet, the report regretfully concludes, these laws in most instances were not used to their maximum effect.

This report, coupled with that just issued by the National Urban League, serves its useful purpose.

Both pinpoint the undisputable fact that equality in America is still just a dream, although the pattern of racial relations is slowly changing for the better.

More important, both emphasize how easy it would be to speed this inevitable change, if Congress would only face up to its responsibilities in this field.

8504

Units Say Mob Violence, Bias Jumped In '53

NEW YORK — The American Jewish Congress and the National Association for the Advancement of Colored People have issued a joint report which declares that mob violence continued to increase during the past year while federal and state governments failed to curb racial and religious inequality.

The developments in Civil Rights were assessed in a 15 page report, which declared that the 1952 presidential election campaign focused attention on these problems but that the last Congress demonstrated, "not mere indifference but active opposition to racial and religious equality."

The report said that at least ten bombings and 30 acts of vandalism were reported although there were no deaths due to lynching. Reported incidents of police brutality were fewer than in 1952, but effective action against such conduct was lacking, the report declared.

ELEMENTARY EDUCATION

In the field of education, segregation was abandoned in elementary and high schools in some states, and limited progress was made in opening southern public universities. Acts against Jews and Italians in the North East private schools decreased. However, the report pointed out that 16 Negroes were killed while in police custody.

But housing remains "the strongest and most tenaciously defended bulwark of racism in the country," the report declared. Chief reasons were given as "interlocking financial interests and potent emotional factors which make the pattern of discrimination particularly difficult to change."

No Lynchings in 1952

10 Bombings Reported, One in a New York Bar

Lynching has virtually disappeared from the American scene, but to some extent it has been replaced by bombings which do "in secret what lynch mobs used to do openly," a civil rights survey reported yesterday. P. 30

There were no lynchings in 1952 and only one during the last three years, the survey showed, but there were at least ten successful bombings of homes, places of worship and public places. The study, made annually for the last five years, was prepared jointly by the American Jewish Congress and the National Association for the Advancement of Colored People.

4 Bombings for Negroes

Four dynamitings were directed at Negroes who attempted to move into homes in predominately white sections, two in Los Angeles; one in Kansas City, Mo., and one in Durham, N. C. Bombings and attempted bombings of Jewish synagogues and Roman Catholic Churches are on the list.

One bombing took place in New York last December. A nineteen-year-old Marine sergeant threw a hand grenade into an upper West Side bar, patronized chiefly by Puerto Ricans, after telling his two companions: "Let's go up to Spanish town and raise some hell." Mon. 5-4-53

The 151-page report also takes up other aspects of civil rights, such as housing, education, employment and legislation. In the last category, the 82d Congress was assailed in the report for failing to enact fair employment, anti-lynching and anti-poll tax measures; for failing to grant statehood to Alaska and Hawaii and self-government to the District of Columbia, and for passing a new immigration act which, the survey charges, dropped only a few of the old inequities and added a lot of new ones.

Gains Reported

On the constructive side it was reported that Virginia last year became the fifth Southern state to enact anti-mask and anti-cross-burning legislation directed against the Ku-Klux Klan and that segregation was dropped in several schools in Arizona, Illinois, Kansas, New Jersey, New Mexico, Ohio and Pennsylvania.

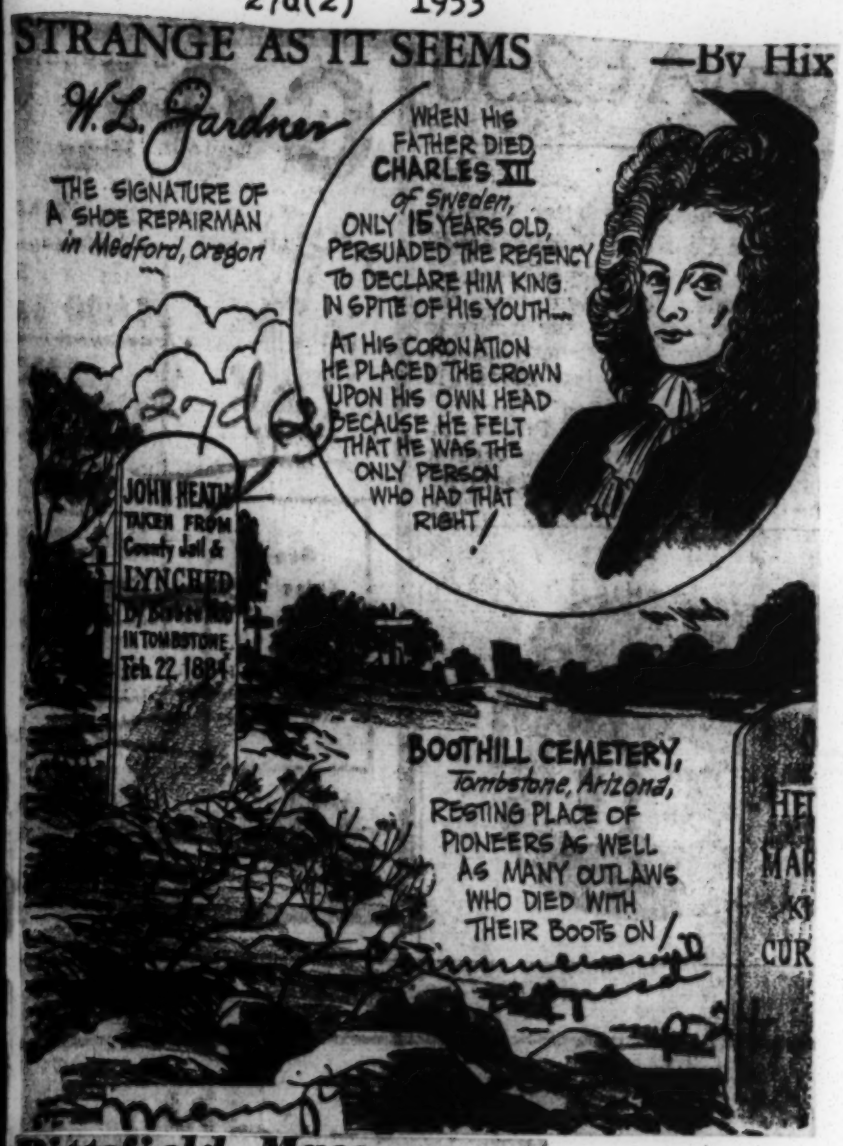
The study said the 1952 Presidential vote of Southern Negroes was the largest in history, but added that this was still far short of the full potential, because of intimidation and discriminatory registration procedures in many localities.

27d(2) 1953

White Press, Southern

Attempted Lynching

8506


STRANGE AS IT SEEMS —By Hix
W. L. Gardner
THE SIGNATURE OF A SHOE REPAIRMAN in Medford, Oregon
WHEN HIS FATHER DIED, CHARLES XII of Sweden, ONLY 15 YEARS OLD, PERSUADED THE REGENCY TO DECLARE HIM KING IN SPITE OF HIS YOUTH...
AT HIS CORONATION HE PLACED THE CROWN UPON HIS OWN HEAD BECAUSE HE FELT THAT HE WAS THE ONLY PERSON WHO HAD THAT RIGHT!
27d(2)
JOHN HEATH TAKEN FROM County Jail & LYNCHED IN TOMBSTONE Feb 22 1884
BOOTHILL CEMETERY, Tombstone, Arizona, RESTING PLACE OF PIONEERS AS WELL AS MANY OUTLAWS WHO DIED WITH THEIR BOOTS ON!

Pittsfield, Mass.
Berkshire Eagle

27d(2)

Locale Doesn't Affect Nature of Lynchings

Conclusion

Sat. 6-20-53

Newspapers carried an account of a man who stabbed a woman to death at a baseball game in New York City, and was then beaten into insensibility by enraged players and spectators. He was later arrested on a charge of homicide. None of the spectators who assaulted the killer was arrested nor was any investigation made as to their identity.

Natural reaction to such retaliation on a brutal murderer is that it served him right. But it is only sober fact to point out that, if he had died under the beating, the case could and should have been listed under the head of the first lynching of 1953.

If the criminal in the above instance had been a Negro, and if the incident had occurred south of the Mason-Dixon Line, it would unquestionably have been listed as a lynching. If Southerners demand that it be called an attempted lynching, it is hard to see what rebuttal can be made.

8505

FAMOUS GEORGIA CRIMES—NO. 10

Leo Frank's Murder Trial, Pleas, Lynching Stirred U.S.

Journal and Constitution

By AUBREY MORRIS

Police Chief James L. Beavers on his high-stepping steed, followed by a platoon of mounted police men, led the Confederate Memorial Day parade down Peachtree St. on the afternoon of Saturday, April 26, 1913.

The long parade ended at Oakland Cemetery, where Confederate memorial services were held. Though solemn in a way, this tribute to the Men in Gray had a festive air for the thousands of spectators. For everybody loves a parade, with its music, and color-ful uniforms.

Absent from the festivities at Five Points, where she had planned to view the marching ranks, however, was 13-year-old Mary Phagan, of 37 Lindsay St., [illegible] address.

This is the concluding story in a series of stories on famous Georgia crimes written by The Atlanta Journal's veteran police reporter, Aubrey Morris.

As the parade led down Whitehall St. in the direction of the cemetery, two blocks westward in the building of the National Pencil Company at Forsyth and Hunter Sts., the "Beautiful Belle of Bellwood" lay in the final throes of death.

* * *

THE VICTIM of an "atrocious murder, following a brutal criminal assault," said police. They found a gruesome sight at 4 a.m. Sunday after hurrying to the establishment when a night watchman telephoned the police station to report "a dead girl down in the pencil factory basement."

Her skull crushed, her neck badly bruised, face cut and bruised, eyes black and swollen, hands and fingers distorted, showing the agony in which she died, the victim had been dead more than 12 hours, the coroner's medical examiner figured.

A messenger delivered the grim news about daybreak to the slain girl's mother and stepfather, who had been awake all night awaiting news of their daughter.

Grief stricken, the parents told officers that Miss Phagan had left home at noon Saturday "to see the Memorial Day parade and to draw her two days salary" due from the pencil factory. She had been laid off from work during the previous week.

Mary had promised to be back home by nightfall, they said, adding that she had never been permitted to have sweethearts, or to receive callers. She was not in love, as far as the parents knew.

* * *

NEIGHBORS knew her as a model girl—bright, eager, cheerful. She had, one friend confided, been adjudged the "most beautiful girl of the neighborhood," a favorite among her friends. In a play at her church the previous Christmas, she had played the role of the "Sleeping Beauty."

The building where Mary's body was found, was dark and deserted. The watchman who called the police led officers to a corner of the basement. Face downward, partially covered by sawdust and shavings, lay the body of Mary Phagan. The limbs had already grown rigid.

In the meager light shed by the watchman's lantern, officers found two notes. A man's handkerchief, bloody and wrinkled, but bearing no identification marks, lay near the first note.

In a trash pile, about 40 feet from the body, the officers found a woman's handkerchief, presumably the victim's. At the bottom of an elevator shaft they found the hat and parasol of the girl. A plain gold bracelet adorned the dead girl's left wrist. It was bent and battered, and splotched with blood. A girl's signet ring was on the little finger of the right hand.

* * *

THE WATCHMAN'S "excited manner" aroused the suspicion of the investigators. He told police he had entered the basement on his hourly round of the premises. The dim lantern light had fallen on the partially-hidden form of the dead girl as he started to leave the basement.

Screaming, he fled up the ladder to the first floor and sounded the alarm, he said.

The watchman, first person to be suspected of implication in the girl's death, told police he had heard no screams at any time during the night. Of his knowledge, no one had entered the premises since the closing hour.

Officers theorized that the pretty victim had first been choked into insensibility, then beaten over the head with a blunt instrument. A big bow of baby ribbon was caught in the single strand of hair, arranged in girlish fashion down the back.

Officers concluded that she had been garroted with two strips torn from her underclothing and knotted together.

Detectives and medical experts were of the opinion that criminal assault had been committed on the victim. To conceal the deed, the perpetrator or perpetrators "to seal her lips forever," had "choked her, made sure she was dead by a blow on the head, then secreted her corpse in the cellar," police reasoned.

* * *

THE SLAYER, or slayers, may have first planned to cremate the body in the furnace of the factory, detectives suggested. Discovered only a few feet from the furnace, the trail left on the sawdust floor indicated the body had been dragged first toward the fire box, circled around its base, then abandoned in the desolate recess in which it was found.

Investigation revealed the fire box was "in condition to be lighted," littered inside with shavings and paper.

No one, excepting officers, was permitted in the factory on Sunday. Inch-by-inch, the premises were combed by the detectives.

The metal room, where Mary Phagan had worked, was on the second floor. Near a lathe, on the floor of the metal room, was a dark crimson pool, resembling coagulated blood.

Some 30 feet away was a set of doors, one leading into a men's washroom, the other to a women's washroom. Near the door to the women's room the officers found another circular pool of blood. And on the lathe handle were strands of hair. Golden brown, these hairs were the same color as Mary Phagan's hair.

Detectives said they believed the girl's assailant, or assailants, had cornered her in the metal room and made indecent proposals. When she had attempted to flee, they reasoned, she was struck over the face, causing her to fall backward, her head striking the lathe handle.

* * *

THE NOTES found near the body posed a baffling question. At first believed to be written by the victim, both were incoherent, hardly legible.

The body of the slain girl was moved by patrol wagon to a local undertaking parlor, where Fulton County Coroner Paul Donehoo ordered a thorough examination.

Detective Chief Newport Lanford headed the feverish investigation, sifting every clue that came to his attention, theorizing, rationalizing, deducting.

"It's almost a sure bet that the murderer of Mary Phagan is someone employed here (at the pencil factory)," Lanford asserted.

First person to be suspected in the slaying, the night watchman, Newt Lee, was taken to city jail and held incommunicado. There were "irregularities" in the time clock apparatus which Lee was required to punch while making his rounds of the factory, officers announced.

Too, in his home, police said, a "bloody" shirt had been found. Lee declared he hadn't seen the shirt in two years, and it wasn't bloody when he last wore it.

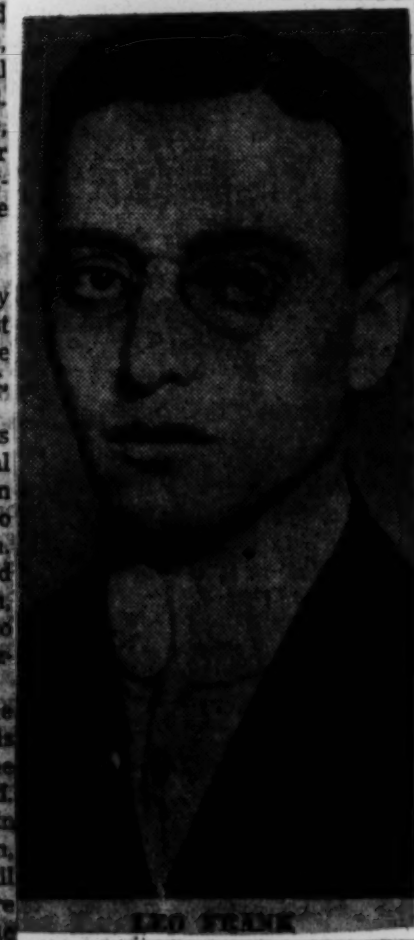
Lee's wife declared he had not worn the garment to work Saturday night. He wore the shirt which he was wearing when arrested, she said.

* * *

NEVERTHELESS, his arms handcuffed to a chair, the watchman was put through several hours of grueling third degree questioning at headquarters. Chief Beavers announced "satisfactory progress" in the investigation.

Also arrested in the early stages of the investigation was a former street car conductor, whom a Northwest Atlanta man told police he had seen in company with Miss Phagan shortly before the murder. He, too, was put through the third degree, but released after establishing a satisfactory alibi.

Third person to be arrested, records show, was Leo M. Frank, 29, secretary-treasurer and superintendent of the pencil factory.



LEO FRANK

A graduate of Cornell University, Frank was a native of Texas who had moved to Atlanta from Brooklyn, N.Y., following his graduation from college. He worked himself up in the pencil company management ladder. He was taken into custody shortly before noon on

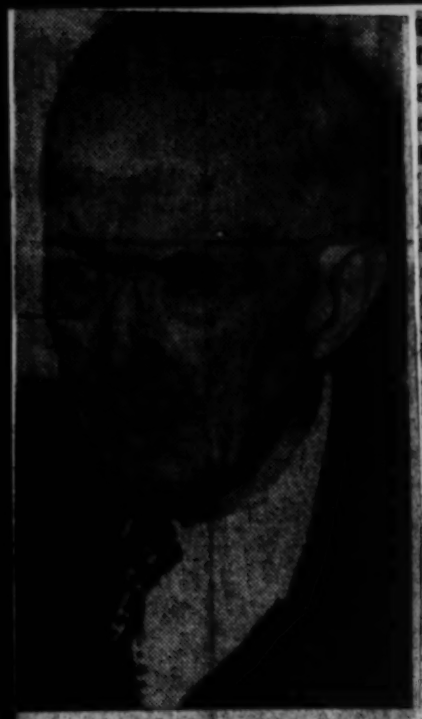
Officers, meanwhile, had arrested several other persons, one of them the bookkeeper at the pencil factory, whose attorney immediately began habeus corpus proceedings for his release. He was transferred to Fulton Tower as a "state" prisoner, and investigation and interrogation continued.

On Wednesday April 30, Frank and Lee were placed together in a room at police headquarters by officers, who suggested that Frank might "wring a confession" from the Negro.

"I can't get a thing out of him. He tells the same story over and over," said Frank, following the conversation.

On Wednesday, April 23, by detectives Frank's arrest had occurred, a police spokesman said, because of "a number of suspicious circumstances."

Tuesday, also, Mary Phagan was buried at Marietta.



JOHN SLATON
Commuted Death Sentence

he was implicated in the killing, releasing him.

Numerous other employes and former employes of the factory were questioned. A Negro janitor (sweeper) at the factory, James (Jim) Conley, was taken into custody at 2 p.m. Thursday, May 1.

Conley's arrest was the sixth to be made in the probe. Some of those arrested had already been released after questioning.

On Friday, May 2, as officers were busy tracing more clues and summoning more than 200 witnesses for the coroner's inquest, Fulton Sol. Gen. Hugh M. Dorsey took personal charge of the Phagan murder investigation.

Leo M. Frank and Newt Lee had been transferred from city jail to Fulton Tower the previous day, however, on coroner's warrants. Jim Conley, the third principal in the probe, remained at city jail.

Sol. Dorsey hinted it might take months "to finally establish guilt" in the case. A corps of stenographers was required to record testimony of witnesses.

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ON MONDAY, May 5, Coroner Donehoo ordered that the slain girl's body be exhumed "for the purpose of determining whether the child had been poisoned before she was attacked on the day of her death." The exhumation was done quietly, with findings being withheld.

On Wednesday, May 7, the body was exhumed a second time by the coroner's direction, reportedly to obtain hair from the murdered girl's head to compare with hair found in the metal room at the pencil factory. The hair originally removed from the victim's head had been lost by the detectives.

With much of the testimony being heard in secret session and never revealed, the Fulton County coroner's jury at 6:30 p.m., Thursday, May 8, issued a verdict "that Mary Phagan came to her death by strangulation." The jury recommended that "both Mr. Frank and Lee be held for investigation by the grand jury."

Apparently in serious doubt as to whether he should ask for a true bill (indictment) for murder against Frank or Newt Lee, Sol. Dorsey prepared indictments to fit either of them, keeping both names before the Grand Jury until the last witness was heard.

On May 24, 1813, records show, Leo M. Frank was indicted for the murder of Mary Phagan, the solicitor having obviously eliminated nightwatchman Lee as a suspect. The jury returned a "no bill" against Lee.

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THE SAME DAY, records show, a "confession" was obtained from James (Jim) Conley, the negro janitor who had been held at the city jail as a material witness since the early stages of the investigation.

In the "confession," related to Det. John Black, Conley, by sworn affidavit, charged Frank with the murder, and admitted that at Frank's direction and with his assistance, he had removed the body from the metal room on the second floor to the basement and left it in front of the furnace.

Conley, declaring that he "wanted to tell the truth," also "admitted" that at Frank's dictation, he wrote the notes which were found near the girl's body. Police believed the notes were to divert suspicion.

Less than four hours were required to select and agree on a jury, when Frank's trial opened before Judge L. S. Roan in Fulton Superior Court on July 28, 1913.

A brilliant array of lawyers was on hand for both prosecution and defense. It was perhaps the longest and most bitterly fought trial in Georgia history, ending in a verdict of guilty for Frank on August 25, 1913.

The jury had deliberated about two hours.

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THE STATE contended that Mary Phagan came to her death as the consequence of a premeditated criminal assault by the defendant; that Frank had previously seduced and taken indecent liberties with a number of other young factory girls, and had made unsuccessful advances to Mary Phagan.

Frank knew she was coming to the factory on Saturday, the state alleged, because one of her fellow employes had asked for Mary's pay envelope the day before, and Frank had said she would have to come and get it herself.

To aid him in his activities with the young women, the state alleged, Frank trained the janitor, Jim Conley, to act as a lookout for him. The Negro was trained to see that he wasn't interrupted in his alleged immoral acts, the state alleged.

Saturday, April 26, Conley had been told to report to the office for "another of these occasions." Testimony of Conley, the state's star witness, backed up this allegation, the brilliant cross examination of the defense attorneys failing to break him down.

On the day of the murder, the state alleged, Mary Phagan came to Frank's office at 12:10 p.m., found Frank alone in the office, and was given her pay envelope.

• • •

OSTENSIBLY to find out if more metal had arrived so she might go back to work the following Monday, Frank, then allegedly accompanied her into the metal room and made advances, which she repulsed. The state alleged that he then knocked her down, rendered her unconscious, and attacked her. In near panic and terror, lest she regain consciousness and accuse him of the attack, the state contended, Frank strangled her to death. He then called Conley, the prosecution alleged, and the two carried the body to the basement, making plans to burn the corpse later.

Frank's "not guilty" plea was followed by a carefully-laid defense:

1) His corroboration of previous statements made to police and at the coroner's inquest to the effect he wasn't guilty.

2) Testimony designed to discredit statements of many of the state's witnesses, principally that of Conley, who, it was pointed out, had been arrested himself numerous times for drunkenness and disorderly conduct, and had served several jail terms.

3) Testimony to establish Frank's general reputation as a law-abiding citizen, particularly his reputation for morality and good conduct toward female employes of the factory.

4) Testimony of more than 20 witnesses, establishing time-and-place sequences of the defendant's alibi.

Sentenced to be hanged on Oct. 10, 1913, Frank's case, after Judge Roan denied an appeal for a new trial, was carried all the way to the United States Supreme Court, which also failed to alter the verdict.

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THE LENGTHY appeals consumed nearly two years, the hanging being re-scheduled several times.

The whole nation became aroused over a case, which, legal authorities agree, probably would have attracted little attention outside of Fulton county, had not a coterie of Frank's friends and co-religionists raised the issue of religious prejudice.

Big names in high places loudly voiced their opinions of the case. Some thought Frank was guilty. Others thought he wasn't.

The nation's press hashed and re-hashed the case, until it became a sectional issue, fanning into new flame old animosities between the North and South.

In his last week as governor of Georgia, after Frank's attorneys had exhausted all means of appeal, John M. Slaton on July 23, 1915, commuted the death sentence, scheduled to be carried out that day, to life imprisonment. Two days previously, on July 21, Frank had been secretly removed from Fulton Tower and rushed to the state prison farm at Milledgeville on orders of the governor.

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MR. SLATON'S statement, in commuting the death penalty, pointed out, in part, that the trial judge, two judges of the Georgia Supreme Court, two judges of the U.S. Supreme Court, and one of the three state prison commissioners doubted Frank's guilt.

He was acting in accordance with what he termed his "duty under the circumstances" in granting the commutation, Gov. Slaton said.

The governor's actions, however, aroused a storm.

Demonstrations occurred throughout the state. A regiment of state militia rushed to guard the executive mansion, dispersing a mob as it marched on the governor's home.

At 11 p.m. August 16, 1915, while he recovered from a near-fatal throat wound inflicted by a fellow prisoner in an assassination attempt, Frank was forcibly taken from the prison at Milledgeville and driven by a party of some 40 unmasked men to a wooded area on Roswell Rd., two miles from the courthouse at Marietta.

About dawn the following morning, his body was found hanging from an oak tree not far from the grave of Mary Phagan.

Jim Conley, whose testimony, lawyers agreed, sent Frank on the road to the gallows, and ultimately resulted in his lynching by a mob, was sentenced to a year for his alleged participation in the Phagan case, then released, records show.

Whites Believe Fikes Innocent; 'Social Pressures' Silence Them

By WILLIAM TOWNES

MARION, Ala.—You can feel the "social pressures" as you talk to some of the thirty-five white residents who freely went over to Selma to testify as to William Earl Fikes' character and conduct during his first trial for rape.

Some of them, including the principal character witnesses, "stuck their necks out" to testify in his trial for night-time burglary, they tell you.

They glance around to see if anybody is listening while they whisper that they still believe Fikes innocent of the charge that got him ninety-nine years in Kilby Prison. And, they let you know they're not mad with you for asking.

* * *

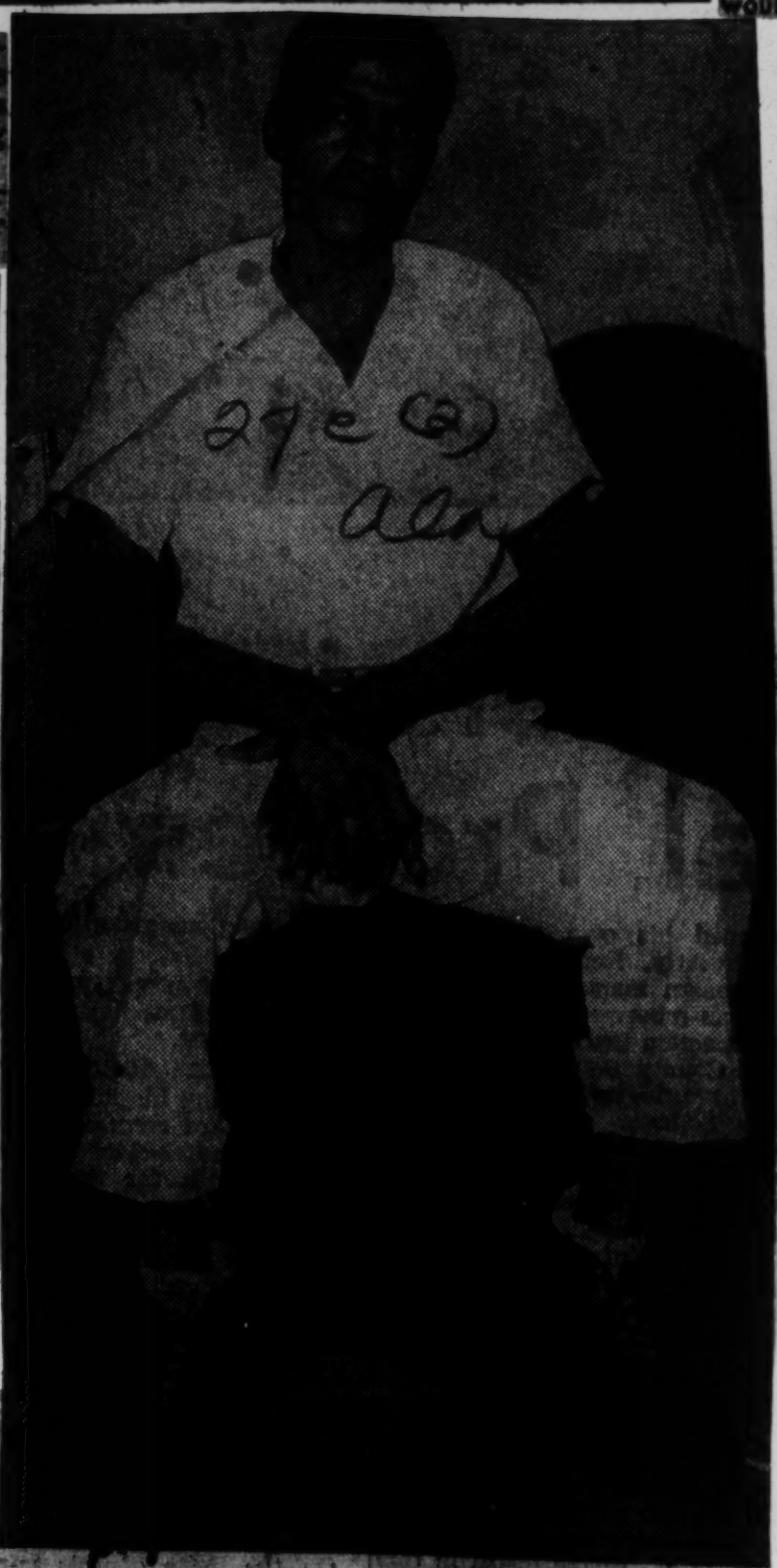
BUT, THEY politely—or sheepishly—and honestly tell you they can't afford the "pressures" from their neighbors and those they call "rats" who resent a white man testifying for a Negro when he is accused of a crime against whites.

They tell you of "business losses" and "illnesses" that resulted from their going all out to testify in Selma against (what they believe) of the multiple charges against their favorite filling station attendant.

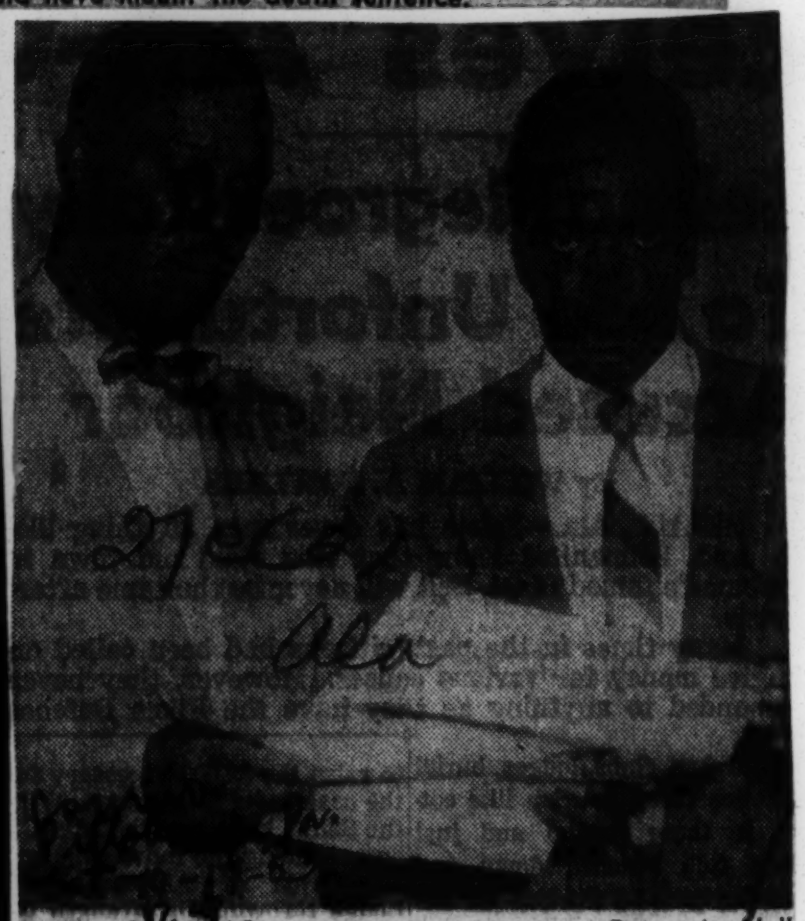
Although some of them will "brave it again," most of them will not testify despite the fact they "still believe in William."

They glance around to make sure no one overhears their "real beliefs."

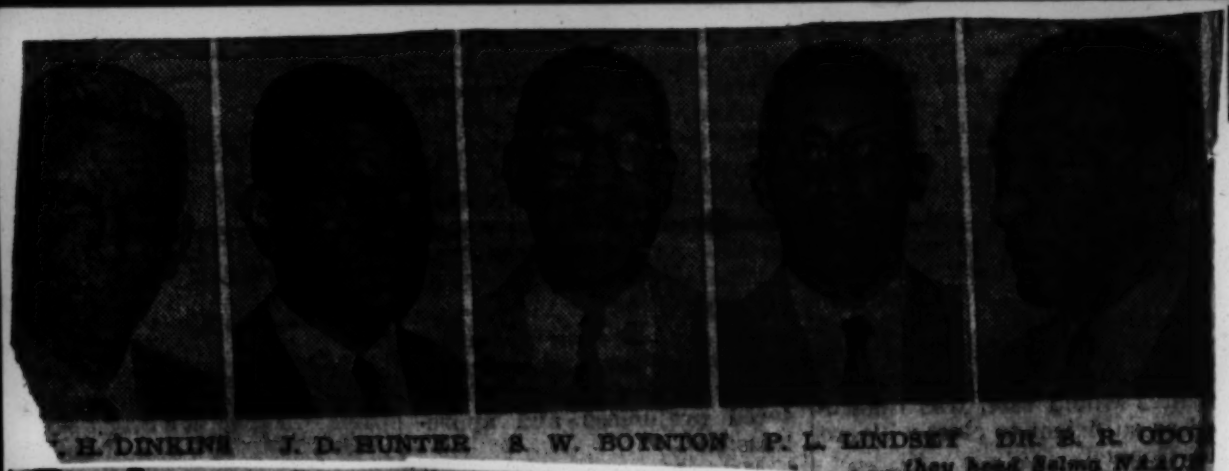
They "can't afford" to be photographed for your paper.



A Glimmer of Hope—William Earl Fikes . . . condemned to a ninety-nine-year imprisonment for a rape charge which many think him innocent . . . saw a glimmer of hope as he sat in the Dallas County jail, Selma, Ala., when he learned that an indictment charging him with night-time burglary had been quashed. Conviction on the second charge would have meant the death sentence.



Fought Indictment—Attorneys Peter A. Hall and Orzel Billingsley Jr. of Birmingham, Ala., fought successfully to have quashed the indictment against William Fikes on night-time burglary charges, a capital offense. Fikes has already been sentenced to ninety-nine years imprisonment on a rape charge in Selma . . . a charge which most of his townsfolk, white and Negro, believe him innocent.—Williams Photo.



H. DINKINS J. D. HUNTER S. W. BOYNTON P. L. LINDSEY DR. E. R. ODO
...they head Selma NAACP

Selma's Citizens Push for Complete Freedom for Father

By WILLIAM A. FOWLKES

SELMA, Ala.—Blind justice raised a feeble cry in Alabama last week.

Judge W. E. Callen announced that the State of Alabama had quashed a nighttime burglary indictment against William Earl Fikes, which accused Fikes of entering the home of the daughter of Selma Mayor Heinz last spring was a victory for Birmingham lawyers hired by the Selma branch NAACP.

Conviction under this indictment, in the State of Alabama [illegible] meant capital punishment . . . and William Earl Fikes . . . young Marion veteran and father . . . already faces a ninety-nine-year prison term after being convicted of a rape charge in spite of overwhelming evidence that he is completely innocent.

Selma citizens . . . both white and Negro . . . are breathing a bit easier today . . . hopeful that the pendulum of justice is on the upswing for the valiant Fikes who saw his pitiable but happy world upended by a shocking accusation of a white passerby on a Selma street more than a year ago.

* * *

ACCUSED OF rape and a number of other crimes committed in this metropolis of the Alabama "black belt," Fikes was snatched out of his job as a gasoline attendant in nearby Marion and jailed simply because a white man saw him on the street and yelled to policeman . . . "There is the n——r who has been robbing our homes."

Withdrawal of the indictment which accused Fikes of entering the home of the daughter of Selma Mayor Heinz last spring was a victory for Birmingham lawyers hired by the Selma branch NAACP.

Selma Negroes established a $2,500 fund to defend Fikes, whom they do not believe committed any of the crimes.

* * *

ATTYS. Peter Hall and Orzell Billingsley Jr. challenged the Dallas County jury system which they claimed "arbitrarily and systematically" excluded Negroes from its jury system because of race and color.

Specifically their motion challenged the racial composition of the grand jury which indicted Fikes for the alleged night-time burglary, a capital offense in Alabama.

The NAACP lawyers subpoenaed court officials, prominent white lawyers and leading citizens, along with courthouse records, and ably showed that Negroes had not served on Dallas County juries in modern times.

The five-day hearings on the motion packed the Selma Courthouse and made newspaper headlines in the black belt area where Negroes outnumber the whites two to one.

* * *

JUDGE W. E. CALLEN made the announcement that the night-time burglary indictment was quashed following a conference of NAACP and state lawyers Friday.

The hearing had been recessed since Tuesday after starting the previous Thursday.

Although the state may reindict Fikes on the charge, after placing Negroes on its jury lists and using Negroes on the grand jury in Dallas County, there was speculation that this might not happen. Several other charges against Fikes have not been tried.

In the meantime, jubilant members of the Fikes Defense Committee said lawyers had been ordered to immediately study the records of the rape case in which Fikes was given a ninety-nine-year term.

Negro lawyers did not participate in the first Fikes trial. An appeal to higher courts to free the young Marion veteran from prison on the first charge will be forthcoming, defense spokesmen said.

Fikes, a filling station attendant at nearby Marion, was arrested as he walked along Selma streets last year and accused of a number of high crimes including rape and night-time burglary which plagued Selma white neighborhoods.

* * *

A LARGE number of suspects had been questioned and released and the Selma Police Department criticized because of not solving the case before visiting Fikes was placed under arrest.

Fikes has denied all charges, despite a tape-recorded "confession" the state claims it got inside Kilby Prison.

NAACP Demands Quash of Charges

By WILLIAM FOWLKES

SELMA, Ala.—The William Fikes case will enter another chapter Monday, Nov. 30, when NAACP attorneys are slated to argue three motions to quash new indictments against the young war veteran already ninety-nine years in prison for a capital offense.

Presentations by Fikes' counsel early last month resulted in withdrawal of indictments against the Perry County father of four children, but a recent grand jury promptly reindicted Fikes in six cases, any of which could result in an electric chair conviction.

Birmingham attorneys Peter Hall and Orzell Billingsley will argue two motions to quash the indictment and a motion to quash the entire [illegible] names by Judge W. E. Callen.

* * *

THEY CONTEND in their motions that Negroes have been systematically excluded from jury duty in Dallax County where Negroes outnumber whites two to one.

Another motion claims an alleged confession of Fikes to burglary was secured under duress.

Trial of Fikes on first-degree burglary charges in the Rockwell and Little residence cases has been set for Dec. 7. Actual hearings on these cases hinge on the result of the NAACP counsel motions to kill the indictments.

AN ATTEMPT to bring Fikes to trial in the Rockwell case was nullified by lengthy hearings in October when NAACP counsel showed irregularities in the Dallas County jury selection system.

Both witnesses and court officials agreed that no Negro had served on a Selma court jury in modern times.

The Fikes case is the result of a series of burglaries and rapes which plagued Selma last spring.

Fikes, a filling station attendant and resident of adjoining Perry County, was arrested as he walked along Selma streets and accused of being the terrorist.

HE WAS quickly indicted and his first trial for rape resulted in the ninety-nine-year prison term he is now serving.

Authorities are pressing the other cases against Fikes, in what has been described as "an attempt to bury him."

The thorough work in the NAACP legal defense of Fikes and the rallying of citizens of Dallas County and Selma to his cause resulted in considerable feeling throughout the Alabama Black Belt area.

Since the October hearings, S. W. Boynton, retired Dallas County farm agent and a leading figure in the fund-raising and defense efforts, has been indicted for embezzlement in connection with transactions through the insurance agency he maintains downtown.

Boynton claims the charges are far from the truth, being merely an attempt to discredit and kill his influence. NAACP and Elk leaders have vowed to fight the cause to finish.

Indictment of Negro killed after jury list is questioned

SELMA, Ala., Oct. 9—(AP)—Circuit Judge W. E. Callen today quashed (annullel) a nighttime burglary indictment against a Negro because of alleged irregularities in drawing of jury lists.

The court also dismissed a jury venire called to hear the burglary trial of the Negro, William Earl Fikes, who already is under a 99-year sentence on a rape conviction.

Callen ruled in favor of two amended motions submitted by two Birmingham Negro attorneys for the National Assn. for Advancement of Colored People.

Circuit Solicitor James Hare said the action would necessitate the empaneling of a new Grand Jury to re-indict Fikes and drawing of a new jury venire to hear the burglary trial. Hare said the trial probably would be set for hearing the week of Dec. 7.

PETER A. HALL and Orzell Billingsley Jr., attorneys for Fikes, originally moved that the indictment be quashed and the jury venire dismissed on grounds Negroes were systematically excluded from jury service in Dallas County.

Today they amended the motions to allege irregularities in the drawing of a jury venire that heard the rape trial in June.

The amendments charged that the names of numerous jurors in the jury box called for jury duty at that time did not appear on the jury rolls of Dallas County.

The defense based its amended motions on testimony by two of the three Dallas jury commissioners, C. C. Thomas and Wallace Hill, during the hearing on the original motions. That hearing started Oct. 1 ad was recessed Tuesday until today.

DURING THE HEARING, Thomas said he never had seen the jury rolls and Hill said he had not seen the rolls in more than a year.

The amended motion also charged no explanation was given why eight names on the rolls were written in by hand while the rest of the list of approximately 1200 names was typewritten.

It said furthre that six of the eight were included in the jury venire from which the jury that heard the rape trial was drawn. Three of the six were Negroes, none of whom served on the jury.

The burglary charges involves a break-in at the home of Mrs. Al Rockwell, daughter of Selma Mayor Chris Heinz, last Fall.

99 Years in Jail!

Selma, Ala., Case May Become Another 'Scottsboro' Incident

By WILLIAM A. FOWLKES
(Staff Correspondent)

SELMA, Ala.—99 Years In Prison . . . a living death . . . is the sentence already meted out to 26-year-old William Earl Fikes! Fikes . . . a Negro . . . is a former filling station attendant and husband of an expectant mother of four small children.

A Selma jury found him guilty in June for allegedly raping the wife of a white Craig Field airman.

Fikes denied the crime. That was expected.

BUT . . . an unexpected angle developed when thirty white families of Marion, Ala. (where Fikes lived) and his family, testified that the accused man was in Marion and could not have been at the scene when the crimes were committed.

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WATCH THIS CASE . . . it may develop into another Scottsboro affair!

It is the most sensational ever to come out of the infamous Selma "Black Bebo" area.

But new and startling developments are in the making.

Not satisfied with the 99-year sentence, the city is preparing to try Fikes on several other charges . . . including the crime of night-time burglary . . . which is a capital offense in this state, and could conceivably doom Fikes to the electric chair.

But Fikes is getting help!

He's getting help from the NAACP!

He's getting help from the Elks of Alabama!

• • •

ALREADY Dr. D. V. Jemison, former president of the National Baptist Convention, Inc. . . . who lives in Selma . . . has been on the witness stand, talking!

For the first time in the history of Dallas County . . . heart of Alabama's Black Belt . . . Negro lawyers last week have challenged the long-time practice of excluding Negroes from jury service.

This is a county where Negroes outnumber whites by a two-to-one ratio.

Challenge of the racial exclusion policy came on a motion to dismiss the burglary indictment against Fikes. Lawyers in the case, retained by the Selma branch of the NAACP are Peter A. Hall and Orzell Billingsley J.

IT MARKS the first time that Negro lawyers had appeared before the Dallas County bar.

Hall and Billingsley have skillfully uncovered the moss-laden tradition and practices which have kept Negroes from jury service . . . though they outnumber their white neighbors.

The NAACP lawyers put the three jury commissioners . . . Wallace Hill, C. C. Thomas and Kenneth Harper . . . on the stand.

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AND HERE'S what they uncovered. To a man . . . these three officials admitted, under questioning, that they knew of NO NEGRO who had ever been called for jury service.

They claimed that a small number of Negro names were in the jury box, and that two or three had at one time or another, been drawn for jury service. But they admitted no knowledge of a Negro serving on a jury.

Circuit Solicitor James Hare . . . himself . . . also underwent the probing, searching questioning of Attorney Hall. Hare claimed the alleged high venereal disease and illegitimate birth rate of Negroes in Dallas County was the big factor in their not being considered for jury service.

This was the main defense argument.

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BUT THIS argument was torn down . . . time and time again . . . by NAACP counsel. Hall and Billingsley pointed out that there were 2,000 more Negro males than whites in the "20-64" age classification in Dallas County, according to the 1950 census.

They again pointed out, however, that none was called to grand jury service.

The motion to quash Fike's indictment, claimed that there was no Negro on the grand jury which indicted him for burglary; that Negroes are systematically excluded from Dallas grand juries because of race or color and that the system or practice of organizing juries is discriminatory to Negroes and that members of the majoity are arbitrarily, intentionally and systematically excluded.

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WHILE DENYING the charge of illegally keeping Negroes from jury service, the officials admitted they had not served because of alleged immorality and unfitness.

Observers pointed out that their total summation was an admission of "prejudice."

Heat of the arguments which tended to show the possibility of violation of Federal protection clauses was exceedingly great in the Dallas County Courthouse.

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Selma Negroes Rally To Aid Unfortunate Accused Neighbor

By WILLIAM A. FOWLKES

SELMA, Ala.—Selma has never seen anything like it. And, Selmanites know that this staid old town in Alabama's famed Black Belt will never be the same afterwards.

Many times in the past, citizens had been called on to give money for various causes. However, they never responded to anything as they have the Fikes Defense Fund.

Churches, clubs, lodges, burial societies (they flourish like cotton in these rurals) and just plain folk reached down and laid the cash on the line for the defense of William Earl Fikes, whom they do not believe guilty of the accused high crimes.

* * *

AROUSED BECAUSE many of their sons and husbands had been picked up on the streets as suspects during the Selma "reign of terror" last spring and cognizant that they were restricted from jury duty and from voter registration, they set out to attack the "system." No white lawyer of this area, where Negroes out-number the whites two and three to one, would take the cases that might upset the traditions of supremacy control.

So they turned to Negro lawyers—the young, vigorous set, many of whom have faced death in war and who are thoroughly prepared and not afraid to try to make our American democracy work.

They turned to Birmingham and finally found two young lawyers, Peter A. Hall and Orzell Billingsley Jr., who said they would take Fikes' second case and fight it out to conclusion. That was only three weeks before the trial was to come up in Dallas County Circuit Court.

* * *

THE CITIZENS organized a Fikes Defense Fund and set out to raise the $2,500 necessary for the case in its first stages. With the Selma branch of the NAACP spearheading the movement and the Pride of Alabama Elks Lodge throwing its strength behind the drive, the fund-raising got off to a good start. By Sunday afternoon, Oct. 4, the day before the scheduled opening of Fikes' trial, the committee had $1,633.53 in hand and promises and assurances that the $2,500 goal would be reached and passed.

Selma had never seen anything like it!

At one church rally I attended, ten miles in the country, a speaker raised in fifteen minutes more money for the Fikes cause than was raised in the Sunday School, missionary offering and first Sunday regular church offering.

* * *

ONE SISTER in the Amen Corner joined in the speaking before the collection. She declared in simple but forceful country American language:

"That could've been my husband or my son that was picked up. I could've been yours. I had a good week last week with my cotton, and so did you. I want to give $10 to this thing before it's over with, and I'm going to start with $5 right now."

With that she took out a five crumpled dollar bills and laid them on the table. The effect was electrifying. The little Mount Olive Baptist Church congregation raised over $40 and promised more.

* * *

IT WAS LIKE that in country churches all over Dallas County and at club and society meetings.

The fund was doing fairly well before the motion to quash the indictment against Fikes started, but after Attorneys Hall and Billingsley stood "toe to toe" with the prosecution brain of Dallas County and the fact was reported in the daily press, the contributions stepped up 1,000 per cent.

Selma had never seen anything like and will never be the same again!

AT LEAST one woman official, put on the stand, reportedly wept at the exposure of the system. A dozen-odd Selma lawyers, called as witnesses, admitted no Negroes had served as jurors in modern times. A. M. Pits, dean of the city bar, said he would ALWAYS strike the name of a Negro on a venire, because he did not want one stiting on a jury considering his cases.

Among the prominent Negroes who testified they had lived in Selma the greater part of their lives, but had never been called for jury service was Dr. D. V. Jemison. The state, through Hare, county solicitor Henry F. Reese and special solicitor T. G. Gayle, contended that the practice was to eliminate the names of preachers, teachers and doctors from jury lists. This argument was taken, it is surmised, to try and explain away the fact that there are a large number of professional Negroes and farm owners in Selma and Dallas County who could easily qualify for jury service under normal selection.

* * *

HOWEVER, THE names of at least one white teacher and one school principal was found in the jury box to refute this claim.

And now to some of the background of the Fikes' case.

Last spring, there were a series of burglaries, rapes and attempted rapes reported to police. A large number of Negroes were placed under arrest as suspects. Several were reported to have been badly abused while in police custody, in an attempt to find the perpetrator.

* * *

NEGRO CITIZENS themselves . . . through the Selma Elks . . . offered a reward for apprehension of the guilty party. Then came Fikes' arrest.

Police accused him of seven crimes, most of which could have resulted in a death verdict. The state claimed a full confession.

Fikes' defense, corroborated by thirty white families, including the man for whom he worked, was that he was not in Selma.

This testimony proved of no avail. Fikes was found guilty. But the jury reportedly stood decided against the death penalty. Their decision was a 99-year sentence.

The state then prepared to try him on other charges which could lead to the death chair. Prosecutors chose the charge that Fikes entered a home occupied by Mrs. Al Rockwell, daughter of Selma Mayor Chris Heinz. The crime of night-time burglary in the state is a capital offense.

* * *

BUT NEGRO citizens, believing Fikes innocent and despairing of abuse and criticism, rallied to his defense. Under the leadership of the Selma NAACP, the Rev. J. D. Hunter, president; they hired the Birmingham attorneys to defend Fikes. With S. W. Boynton, branch vice president and ex-county farm agent as chairman of the Fikes' Defense Fund, they are working to see that the young father gets a fair trial and that conditions are arighted in Dallas County. They have written personal letters, and are making appeals for funds from friends all over the nation for the Fikes' Defense Fund.

THE ALABAMA State NAACP, headed by W. C. Patton of Birmingham, is also behind the case. Alabama Elks lodges are raising funds for this cause, which will cost an estimated $2,500 to complete. At the outset of the pre-trial hearings, Attorneys Hall and Billingsley were denied motions for continuance of the nighttime burglary trial and for a sanity hearing. Motion to quash Fikes indictment continued to Monday mornnig by Judge Callen after all-day hearing Saturday. Trial will follow Tuesday or later, according to developments.

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Alabama

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Negro's Case Goes To Jury In Rape Of White Woman Here

By G. C. LONG JR.

A circuit court jury last night had the case of Jesse Frank Jackson, Negro, charged with raping a white woman, after hearing three doctors testify they believe he is sane at this time.

Circuit Judge Eugene Carter sent the jury to supper at 7:40 p.m. after it had been deliberating for one hour and had failed to reach a verdict. The state asked the death penalty.

Jackson had entered a plea of not guilty to the charge that he criminally attacked the white woman on the morning of Jan. 21 in her home on Perry Hill Road near the Veterans' Administration Hospital.

A further plea entered was that he was not guilty by reason of insanity.

After the woman took the stand to describe the assault, Jackson's attorneys, George Cameron Jr. and George Brassell, both court appointed, called as a witness Capt. Jay Katz, chief of psychiatry at Maxwell Air Force Base.

Capt. Katz testified that he had examined Jackson last Saturday and found him to be a borderline psychotic.

However, the psychiatrist told the jury that at the time of his examination of the defendant, which was over a month after the assault, he found him to be sane and in possession of his faculties to the extnet he knew right from wrong.

He would not say, though, that at the time of the attack he considered Jackson to be insane. There was the possibility, he said, that he was insane at the time.

Two other doctors, Dr. I. I. Long and Dr. Fred D. Reynolds, testified they had examined the defendant and that in their opinion he was sane then and now.

In charging the jury Judge Carter said there were four verdicts the jury could consider and return any one of them.

He listed the verdicts as not guilty, not guilty by reason of insanity, guilty with the punishment at death and guilty with punishment at a prison sentence of not less than 10 years.

It was up to the jury, Judge Carter said, to decide whether the state, through Solicitor William Thetford, had proven Jackson guilty beyond all reasonable doubt or whether Jackson's attorneys had proved to their reasonable satisfaction that the defendant was insane.

Jackson did not take the stand on his behalf.

While he was on the stand, the woman Jackson was charged with raping identified him as her attacker.

She told how he knocked at her kitchen door on the morning of Jan. 21 while her husband was away at his work and she was alone with her four children.

He entered her kitchen, the woman stated threw her down on the floor and demanded money.

She said she had told him she would get him money if he would let her go into another room. Before she could go, she continued, he put a belt around her neck and tightened it.

The woman said that when she got to her living room where her pocket book was there was no money in it and she told Jackson that she would have to write him a check.

He asked for $100, she stated, but she told him she didn't have that much in the bank so she wrote the check for $50.

She wrote the check out to "Jessie Frank Jackson," the name he gave her, the woman testified.

During the writing of the check Jackson was standing behind her holding on to the belt which was still around her neck, the woman said, adding that when the check was finished she handed it over her shoulder to him.

"Then he threw me down on the couch and that is where he did his dirty work," she told the jury.

During the rape, she said, she passed out and was unconscious for about 30 minutes.

"I certainly did fight him," she replied in response to a question by Thetford.

While she said she did not know how she received the injuries, she testified that her face is now partially paralyzed, her eyesight is bad and her hearing is bad, all as a result of the attack.

Dr. C. J. Rehling, state toxicologist, testified that on a pair of coveralls the defendant turned officers to and picked out of their hiding pace he had found both male and female semen.

Furthermore, Dr. Rehling said, fibers of cloth found in two different places on the coveralls were identical to those in the blouse worn by the woman. Testimony also was brought out of other medical facts learned in the examination.

On Jan. 24, City Detective W. L. King testified, Jackson had directed himself and other officers to a dirt road off the Atlanta Highway where the defendant pulled the pair of coveralls he was said to have worn at the time of the attack from behind a tree.

Following that, King continued, Jackson made a statement in which he confessed the attack.

Cameron objected to the introduction of the confession on the grounds that it had been changed and was not in Jackson's own words.

Judge Carter admitted the confession after King and others testified that it had been read back to him and he agreed with what it said.

Cameron and Brassell presented a string of Negro witiesses who testified that in their opinion Jackson was crazy.

Bessie Mae Jackson, mother of the defendant who testified that she is "about" 31 and that her son was "about" 22, told the jury that her son "ain't never had what really belongs to him."

Furthermore, she said, his father was mentally deficient too, and he has other relatives who are crazy.

In his testimony Dr. Katz said that in his mind there was "reasonable doubt" as to Jackson's responsibility. And, he added, if turned loose without the proper supervision "he may repeat his behavior."

In asking for the death penalty for Jackson, Thetford declared it was the only one that could be given under the evidence.

Brassell told the jury it was dealing with "a sick person," one who "has the intelligence of a 5- to 10-year-old child, and you aren't going to persecute such a child, are you?"

The issue in the case, Cameron declared, was Jackson's sanity.

"If he didn't have the capacity to know what he was doing, then he shouldn't be punished by death," he said.

At the beginning of the trial Judge Carter excluded the public but permitted the press and close relatives to remain in the court room.

Cameron took exception to the judge's ruling excluding the public and recited four grounds: the action denied the defendant the right to due process of law as guaranteed by both the state and U.S. Constitutions, it put an exceptional burden on the defendant to be tried behind closed doors and it denied him his right to due process and a public trial as guaranteed by the 14th Amendment to the U.S. Constitution.

2nd Negro Faces Chair In Alabama For Rape

MONTGOMERY, Ala. — For the second time in recent years, a Negro has been sentenced to die in the electric chair for criminally attacking a white woman in Montgomery.

Jesse Frank Jackson's only hope for life lies in an automatic review of his case by the State Supreme court. The same applies for Jeremiah Reeves, doomed to the chair several weeks ago.

A Circuit court jury returned the guilty verdict against Jackson. Jackson had entered a plea of innocent by reason of insanity. He did not testify.

Capt. Jay Katz, an Air Force psychiatrist, said in court that Jackson was a "borderline psychotic." He said the man may not have been responsible for his actions when the attack took place.

After examining the prisoner a month later, Captain Katz pronounced him sane and said he was able to tell right from wrong.

Death Penalty Given Rapist

A 21-year-old Negro, convicted of rape by a jury here Tuesday, was sentenced to death in the electric chair by Curcuit Judge Eugene Carter today.

April 17 was set as the execution date for Jessie Frank Jackson in the Montgomery County Circuit Courtroom here by Judge Carter. He told the Negro youth that the death sentence carried an automatic appeal to the Alabama Supreme Court, and ordered him removed to Kilby Prison to await review.

Five other persons were sentenced yesterday by Judge Carter.

Sentences of 99 years each were passed upon three Negroes convicted of robbery. They were Edgar Earl Dudley, Eddie Lee Edwards and Andrew Jones.

Dudley, 19, was sentenced for the robbing and stabbing a one-armed veteran, Joe McCoullough, Feb. 1 near LaPine.

Edwards and Jones received their sentences for robbing a Blue-Gray filling station attendant on the Mobile highway, Dec. 21, 1952.

A sentence of 20 years followed a plea of guilty entered by Julius Jones, 25-year-old Negro, accused of shooting City Detective Lewis King with intent to kill. Jones first pleaded not guilty.

Ten years for burglary of the Star Loan Co., 42½ S. Perry St., last December, was passed upon Jones.

Jones' accomplice, James Edward Pickett, Negro, drew ten years last week on conviction of assault to murder.

Carrie Bell Hartwell, Negro woman convicted of stabbing her husband to death with a butcher knife last month, was sentenced to 10 years in prison.

The case of William Holston, Negro, charged with robbing a Negro delivery boy, was declared a mistrial Tuesday. It will be tried again in May.

Two cases were continued: that OF James Jeffery, Negro, charged as an accomplice in the Blue-Gray filling station robbery, and that of Jimmy Crawford, Negro, charged with robbing and shooting Richard Blab.

1 Inmate Wins Another Loses Death Appeal

Monk's Life Saved As Jefferson Negro To Die On June 5

One condemned man won a new lease on life from the State Supreme Court yesterday, but another lost his appeal and was ordered [illegible] for raping a 72-year-old woman.

The conviction of Leonard Monk, 43-year-old white prisoner, was set aside because of trial testimony referring to the fact that he was already serving two life terms for [illegible].

Monk got the death penalty on another robbery charge which grew out of a prison break in October, 1951. The Supreme Court said the mention of his previous record during the trial was "calculated to prejudice the jury."

Henry Washington, Jefferson County Negro, was convicted of raping a 72-year-old white woman after breaking into her home in the night of Feb. 2, 1952 and threatening her with a knife.

In other decisions yesterday, the Supreme Court:

Held that Robert I. Ingalls Jr., central figure in the long and bitter court fight over control of his father's industrial empire, has lost his chance to contest a lower court order awarding his divorced wife $15,000 in attorney's fees.

Refusing to budge from its previous ruling that Alabama courts have jurisdiction to hear a million dollar damage suits filed against a labor union because of a strike.

Two Life Terms

Monk, who was serving two life terms from Mobile County, was one of five convicts who escaped from Kilby on Oct. 22, 1951, forced a Montgomery resident to accompany them in his car, and shot a policeman in their getaway. The officer was only slightly wounded. The motorist testified Monk and another escaping convict.

Curtis Ledbetter, entered his home, took his car keys, and then forced him to go with them. They were captured a short while later when they wrecked his car.

Both prisoners were tried on robbery charges, Monk getting the chair and Ledbetter 99 years. Two of the others involved in the break got life; the fifth 15 years.

Justice Joel E. Brown, writing the Supreme Court's decision, said the reference at the trial to Monk's two previous life sentences was "irrevelant and immaterial" and that it "probably induced the verdict giving the defendant the death penalty."

Ingalls was ordered to pay his ex-wife's attorneys $15,000 after he had first filed then withdrew a petition seeking full time custody of his children. In the original divorce, he and Mrs. Ingalls were awarded divided custody.

Asked For Rehearing

After the lower court fixed the amount of attorneys' fees, Ingalls asked for a rehearing and it was denied. Then, in appealing to the Supreme Court he appealed from the latter decision instead of the one which set the fees for the lawyers.

By then the time limit had expired for contesting the first decree, so Ingalls asked the Supreme Court for a writ of mandamus to force the lower court to review the fee question. The tribunal turned him down on that today.

In standing its ground on the damage suits against the labor union, the Supreme Court overruled an application for rehearing, or reconsideration.

The litigation began when 30 employes of Calumet and Hecla Consolidated Copper Co. demanded $50,000 each from the United Auto Workers (CIO) for loss of wages and "mental anguish" during a strike at the Decatur plant in July and August, 1951.

Union attorneys contended Alabama courts lack jurisdiction to hear the suits because, they argued, the plant is engaged in interstate commerce, and any remedy the employes have would come under the Taft-Hartley Act. The lower court agreed with the union, but the Supreme Court on March 13 decided otherwise. It stood by that decision yesterday.

Court To Hear Negro Rapists In Mercy Pleas

Appeals from two condemned Negro rapists will probably be heard in the Supreme Court's May call beginning here Monday.

The Negroes are Jeremiah Reeves and Jesse Frank Jackson.

Reeves, who was 19 at the time of his trial, received the death penalty for the rape of a white woman on Cleveland Road last November.

Jackson was convicted of raping a white woman near Veterans Hospital last winter. A circuit court jury tried both men.

Transcript of the two trials has already been delivered to the high tribunal for reviewing.

There is a chance that the appeals will not be reviewed until this fall. However, this is unlikely, court officials say.

Selma Judge Bars Statement In Rape Trial

Defense Claims Statement Obtained Before Formal Charge

SELMA, Ala., June 23 (AP)—A circuit judge barred three attempts by the prosecution to introduce in evidence a confessed statement today at the rape trial of a Negro filling station operator.

Judge W. E. Callen Jr. later agreed to a state motion to permit the jury to hear the statement.

Circuit Solicitor James Hare said the statement was a confession by William Earl Fikes to the rape of the 19-year-old wife of a Craig Air Force Base airman last March.

Fikes is being tried on the rape charge and six counts of first degree burglary.

The young woman Fikes is accused of raping pointed him out in the courtroom yesterday and said "to the best of my knowledge, that's the one."

The first attempt by the state to introduce the statement was made while Wilson Baker, Selma police captain, was on the stand.

Baker told the court the confession was obtained while Fikes was being held at Kilby Prison near Montgomery. The police captain said no threats, force or promises were used in getting the Negro to give details of the crimes.

Solicitor Hare then moved that the statement be admitted in evidence.

Attorneys Earl Hobbs and Hugh Mallory, appointed by the court to defend Fikes, objected on grounds the defendant had not been formally charged with the crime at the time the statement was taken, and further did not have the benefit of defense counsel.

The court sustained the defense objection.

C. B. Buford, Kilby Prison warden, then testified he was a witness to the statement, and that Fikes confessed of his own free will.

Baker was recalled as a witness and the state sought to have him read the statement. Judge Callen again sustained defense objections on the same grounds.

The solicitor then tried to read it himself, but was overruled for the third time.

Hare proposed then that the jury be permitted to read it, and the court agreed over defense objections.

Another witness, Mrs. Emma Kiker, testified she owned the building in which the young woman was raped. She said she heard a scream that night and ran to help the girl but did not see her attacker.

Trial Of Negro On Rape Charges Slated In Selma

SELMA, Ala., June 19 (AP)—Circuit Judge W. E. Callen today called a special court term for next week at which William Earl Fikes, 27, of Marion, will be tried for rape and burglary.

The court refused a request by Arthur D. Shores, Birmingham Negro lawyer, for a three-week delay in Fikes' trial.

Shores then declined to serve as Fikes' attorney on grounds he would not have time to prepare an adequate defense. He said he had been asked by Fikes' father to represent the accused man.

Judge Callen appointed Sam Earl Hobbs and Hugh Mallory, both white Selma lawyers, as defense attorneys. The court announced that Shores' request for a delay was denied because of the availability of witnesses.

Fikes was arrested May 30. He was indicted on a charge of rape and six charges of first degree burglary, all punishable on conviction with a maximum of death.

Marion Negro Docketed For Trial In Selma Rape

SELMA, Ala., June 20 (AP)—William Earl Fikes, Marion, Ala., Negro charged with rape and six counts of first degree burglary, is one of five persons docketed for trial at a special crimes session of circuit court here next week.

Fikes arrested May 30 and indicted shortly thereafter, is charged with a series of night burglaries and attempted attacks on women which covered a two months period.

He will be defended by Sam Earl Hobbs, son of the late representative in Congress from this district, and Hugh Mallory, both named by the court.

One of the other defendants docketed for trial is Marion Lee Evans, 24-year-old Negro taxi cab driver charged with second degree murder.

He was driving the taxi cab involved in a collision May 29 in which Mrs. Mamie Troaka Sewell, 21, and her two young sons, Billy Wayne and James Boyd, were killed. In addition, two passengers in Evans's cab were killed.

Selma Negro Gets 99 Years

No Immediate Appeal For Convicted Rapist

SELMA, Ala., June 24 (AP) — A Circuit Court jury late today convicted a 27-year-old Negro prison parolee of raping a soldier's wife, and sentenced him to 99 years in prison.

The jury reported shortly before 6 p.m., after lengthy deliberations began at 11:40 p.m. yesterday. The verdict ended a deadlock lasting more than 18 hours.

Attorneys for William Earl Fikes, Marion, Ala., did not give immediate notice of appeal.

Fikes was accused of terrorizing Selma housewives for a two-month period early this year.

Circuit Judge W. E. Callen Jr., allowed the jury to read a purported confession made by Fikes to Selma Police Captain Wilson Baker at Kilby Prison after his arrest.

Baker said the statement was obtained without any threats, force or promises being used.

Hugh Mallory of Selma, one of Fikes' two lawyers, contended that the statement was made involuntarily.

The 18-year-old wife of a Craig Air Force Base airman identified Fikes as the masked Negro who raped her on the night of March 18. She said she recognized him by his eyes and voice.

But Mallory charged that Fikes was brought before her alone at Kilby when she first said he was her attacker. The lawyer said the suspect should have been brought before her in a group of men.

3 Birmingham Negroes Charged With Rape

BIRMINGHAM, June 17 (AP)—Three Birmingham Negroes were jailed today on charges of raping a white woman.

Police Lt. Carl Neis said the woman, who lives on a rural route near Birmingham, was attacked the night of June 5 as she walked through a Negro residential area here.

The woman told police three Negroes dragged her behind a Southside plant. She said each raped her.

The accused men were identified as Herman James, 32; John L. Toler, and George Marshall.

Persons Commutes Negro's Sentence

A Negro condemned to death for an attack on an elderly white woman was saved from the electric chair yesterday because Gov. Gordon Persons said there was "a doubt in my mind" about the man's guilt.

Horace Washington, 25, of Birmingham was to have died at Kilby Prison today for a burglary at the home of 77-year-old Mrs. Betty Caroline Dean in Birmingham in 1952. He was given the death penalty on a charge of nighttime burglary of an occupied dwelling, a capital offense in Alabama.

Mrs. Dean was severely beaten during a rape attempt by the intruder.

Persons, without going into detail, said he commuted Washington's sentence to life imprisonment because "there are circumstances surrounding the trial which leave a doubt in my mind."

Rape Trial Opens In Selma

Marion Negro Denied Hearing On Sanity

SELMA, Ala., June 22 (AP)—The trial of a Negro filling station attendant charged with raping a soldier's wife began after court-appointed defense attorneys lost a fight to have him examined by a lunacy commission today.

William Earl Fikes of Marion, Ala., was brought to trial on indictments charging him with rape and six counts of first degree burglary, all capital offenses.

Sam Earl Hobbs and Hugh Mallory, Selma attorneys named by the court to defend Fikes, appealed vainly to the State Supreme Court to order an examination of Fikes at Mount Vernon State Hospital for Negroes.

Hobbs and Mallory also were overruled by Circuit Judge W. E. Callan when they asked a change of venue, to have the case continued, and then to be relieved as defense counsel. They said they had not had sufficient time to prepare an adequate defense.

They entered a plea of innocent and innocent by reason of insanity for the defendant.

Fikes was accused of staging a series of night burglaries and attempted attacks on women which terrorized Selma housewives for a two-month period earlier this year.

Mrs. Dolores Stinson, 18-year-old wife of a Craig Air Force Base airman, testified she was night of March 18.

She said she later identified Fikes at Kilby Prison, "to the best of my knowledge," as the man who raped her. She said she recognized him by his eyes and the sound of his voice.

She pointed to Fikes in the courtroom and said, "to the best of my knowledge, that's the one."

Dr. Freeman Singleton, a physician, testified that he examined Mrs. Stinson on the night of the alleged attack. He said he found raped by a masked Negro on the evidence of male contact and that she was in a "severe state of emotional shock and nervousness."

Judge Callan struck out testimony by Police Chief Ed Mullin and L. D. Fish, a laboratory technician who took samples of Fikes's blood for comparison with stains found on sheets of a bed in the Stinson home.

Callan upheld defense objections that Fikes was not fully informed that the tests might be self-incriminating.

Three Negroes were members of the 80-man jury venire called for the trial but none was seated on the jury empanelled for the trial. Hobbs is a son of the late representative in Congress from this district.

The trial was recessed tonight until 10 a.m. (CST) tomorrow.

Negro Given Death Stay

Lawyer Won't Help Him, Convict Says

A condemned Negro who protested bitterly that even his own lawyer wouldn't help him try to prove an alibi won a four-week reprieve from the electric chair yesterday just hours before he was to die.

Gov. Gordon Persons, vacationing in Florida, ordered the electrocution of Henry Washington postponed by long distance telephone following a clemency hearing conducted by his legal adviser, William N. McQueen. The death date was reset for Aug. 7.

Washington was to have paid with his life at Kilby Prison shortly after midnight on a charge of burglarizing the home of a 77-year-old Birmingham white woman, Mrs. Betty Caroline Dean, and beating the victim half to death in a rape attempt.

He was convicted of night-time burglary of an occupied dwelling, which carries the death penalty.

Gov. Persons told McQueen he wanted time to investigate the Birmingham Negro's complaints before making a final life-or-death decision.

Charles A. Speir, of Birmingham, the defense lawyer, was not present at the clemency hearing. The 26-year-old Negro's family brought another attorney, William W. Stewart.

At Birmingham, Speir said Stewart came to him in the first week of June and said the family had retained Stewart to handle the clemency hearing, and "Use my (Stewart's) influence to get the sentence commuted."

Speir said he offered to give Stewart every possible assistance in helping him prepare for the hearing, and yesterday made an appointment with Stewart which the new defense attorney did not keep.

"The implication of this newspaper story is absolutely contrary to the fact," Speir said in a statement. "I fought for this boy through three hearings in the lower court and through three hearings before the Supreme Court of Alabama. The Supreme Court itself in its written opinion commended my earnest efforts in a very difficult case."

"I will take this matter up with the governor's office and other proper authorities."

To Establish Alibi

Washington and his relatives told McQueen they sought to establish an alibi for the accused Negro but that Speir wouldn't use it, and that no defense witnesses were ever supoenaed to the trial.

Harry Smith, the defendant's brother-in-law, told McQueen he received a telephone call from Washington at just about the time the white woman was attacked.

He said the accused Negro told him he was at a honky-tonk and wanted the brother-in-law to pick him up there, but that when he (Smith) arrived at the place, he was told Washington had just been sent away in a taxicab.

Even though Birmingham policemen testified they arrested Washington in the white woman's house, the defendant's family said he had left home that night with another Negro, headed for a party.

Thus they sought to leave the inference that there may have been another Negro in the victim's house besides Washington since the two Negroes had been together.

They said they related all that to Speir but that it was never brought out in the trial.

Further, the condemned Negro's mother, Clara Williams, said the family paid Speir $355 in addition to the money he received from the state for representing Washington, and still they had to put up another $100 for another attorney to speak for them at today's hearing.

Appointed By Court

Speir took over the case after his young law partner, W. Edward Lewis, had been appointed by the court to defend the Negro. The two worked together on it, but Deputy Solicitor Willard McCall said Speir did most of the work.

Washington insisted vehemently that he is innocent of the attack and pleaded repeatedly with McQueen to "give me mercy . . . spare my life."

The Negro broke into convulsing sobs when his mother told how he had "never given no trouble to white folks," and again when Kilby Prison Chaplain J. E. Franks remarked that he has become more and more convinced of the Negro's innocence.

McCall took issue with the criticism of Speir, defending his as a lawyer who worked hard for his client and one who "has been a thorn in my side ever since this case started."

As for the question of guilt or innocence, he pointed out that the arresting officers said they found the Negro in Mrs. Deanis house and that she had "positively identified" him as her attacker. That and other evidence proved "beyond the shadow of a doubt" that he was guilty, the solicitor argued.

Man who assaulted child dies in chair

MONTGOMERY, Ala., Aug. 29—A 21-year-old Geneva County Negro died in the electric chair here Saturday for assaulting a 13-year-old white girl.

Ruben Myhand died at 12:08 a.m. today, without confessing to the assault.

The burly laborer admitted earlier he had relations with the child, but denied criminal assault. In an appeal for clemency to Gov. Gordon Persons, he denied any part of the crime.

The appeal was denied only a few hours before the execution.

2 Negroes Sentenced To Death Will Get Clemency Hearings

Two young Negroes sentenced to death for separate rapes of an elderly white woman and a 14-year-old white girl will get clemency hearings Aug. 27.

The governor's office said a hearing will be held for 17-year-old Leroy Davis at 11 a.m. and Ruben Myhand, about 23, at 2 p.m.

Davis was given the electric chair for raping a 62-year-old white woman in Lamar County March 1, 1952. There was some question as to his age at the time of the trial, but the judge held he was 16.

Defense attorneys contended he was under 16 at the time the offense was committed and should not have been tried in circuit court.

Myhand was sentenced to death in Geneva County last summer for the rape of a 14-year-old white girl. She testified the Negro attacked her while she was watching her baby brother near their farm at Malvern.

Both death sentences have been upheld by the State Supreme Court.

Persons Saves One Attacker, Dooms Second

MONTGOMERY, Aug. 27 (U.P.)—Gov. Gordon Persons spared the life of one Negro doomed for criminal assault today but ordered another to die in the electric chair at Kilby Prison shortly after next midnight.

The governor decided after a clemency hearing this afternoon that Reuben Myhand must go to the chair for the criminal assault of a 13-year-old girl at Malvern, Ala., last year.

Myhand appealed for executive clemency during a short hearing presided over by Billy McQueen, the governor's legal advisor.

The Negro at first admitted having relations with the girl, but he denied it was criminal assault. However, today he denied any connection with the crime.

The pretty victim, who herself is now 14, was at the hearing with her parents, but none of the family testified.

Myhand's attorney, James Mulcey of Geneva, based his plea for clemency on "the boy's good record before this incident occurred."

Solicitor Angus Smith of Hartford argued that no new circumstances have arisen in the case to justify halting the execution.

Earlier today, the governor commuted the death sentence of another convicted attacker, Leroy Davis, to life imprisonment on grounds of immaturity.

Persons said Davis was too young at the time of the crime to go to the chair. The 17-year-old Lamar County Negro was doomed to die in the Kilby elec. chair also about midnight tonight. He was convicted of criminally assaulting a 62-year-old white woman.

Persons Commutes Negro's Sentence

A Negro condemned to death for an attack on an elderly white woman was saved from the electric chair yesterday because Gov. Gordon Persons said there was "a doubt in my mind" about the man's guilt.

Henry Washington, 26, of Birmingham was to have died at Kilby Prison today for a burglary at the home of 77-year-old Mrs. Betty Caroline Dean in Birmingham in 1952. He was given the death penalty on a charge of nighttime burglary of an occupied dwelling, a capital offense in Alabama.

Mrs. Dean was severely beaten during a rape attempt by the intruder.

Persons, without going into detail, said he commuted Washington's sentence to life imprisonment because "there are circumstances surrounding the trial which leave a doubt in my mind."

The governor also said a "thorough investigation" convinced him that the Negro was "adequately represented by competent counsel" at his trial in Birmingham last year.

That statement was prompted by a complaint from Washington and members of his family that Defense Attorney Charles A. Speir didn't adequately represent him. The Negroe's protest came during a clemency hearing here on July 9.

ries of night burglaries early this year.

Because of the prolonged hearing Saturday, Judge Callen ordered that it be reopened at 9 a.m. tomorrow. He postponed start of the criminal session until Tuesday at 10 a.m.

The Negro witnesses were asked to inspect jury lists running back 22 years and pick out names of Negroes placed on them. They found only a few they could identify.

Called to the stand were Tom Moss, farmer and landowner; S. W. Boynton, former Negro county agent, and Mark Thomas, retired grocer and farmer.

Negro Rapist Escapes Chair, Another Dies

Reuben Myhand, 23, convicted Negro rapist, died in Kilby Prison's electric chair at 12:16 last night.

A teen-age Negro rapist escaped the electric chair yesterday, but another failed to sway Gov. Gordon Persons with his plea for mercy and was ordered put to death shortly after midnight.

With only a few hours remaining before they were to die, Reuben Myhand and Amizia Mosie McCollough (alias Leroy Davis) appealed to the governor for clemency.

Myhand, 23-year-old South Alabama Negro convicted of raping a 14-year-old white girl, was turned down. But McCollough's life was spared and his death sentence commuted to life imprisonment.

The 17-year-old Mississippi-born McCollough was granted clemency because he was only 15 at the time he admittedly raped a 62-year-old white woman in Lamar County in North Alabama on March 1, 1952. He still hadn't reached 16 when he was tried in May of that year.

McCollough readily admitted his guilt at his clemency hearing and said: "I know I was wrong but if you give me another chance I'll do right."

Myhand, however, mumbled an insistent denial of any connection with the charge on which he was tried.

He was sentenced to death in Geneva in August, 1952, on an indictment charging him with attacking a young white girl while she was caring for her baby brother at their farm home in Malvern.

Denied Rape Charge

In statements submitted as evidence during his trial, the Negro admitted having intercourse with the girl but denied the rape charge. Later he changed his story and denied any knowledge of the incident.

He persisted in the latter version yesterday.

Defense attorneys sought during the trial to prove that officers threatened to turn Myhand over to a mob unless he confessed.

At the clemency hearing yesterday, the Negro's parents and other relatives and friends all testified he had been a "good boy with no previous criminal record."

But Geneva County Solicitor Angus Smith recalled that the father testified during the original trial that Reuben was "quarrelsome" and had left his native Pike County because of trouble.

The pretty brunette rape victim and her parents sat through the clemency proceedings but said nothing.

McCollough's attorney, Oliver Young, based his appeal for mercy on the "immaturity" of the defendant and doubted whether the jury would have imposed the death penalty if he had been able at the time to prove the boy's age.

Fugitive From Mississippi

He explained that the Negro, a fugitive from a Mississippi reformatory, used the name Leroy Davis in Alabama and it Wasn't until long after the rape trial that his birth record could be found.

In fact, he was tried under the name Davis.

Young produced a copy of a Mississippi birth certificate showing the boy was born June 13, 1936, that made him still 15 at the time the woman was raped and also when McCollough was tried.

And under those circumstances, Young said he should have been turned over to juvenile court instead of the circuit court which tried him.

Although Gov. Persons was the one who made the life-and-death decisions, his legal adviser, William N. McQueen, conducted the hearings on behalf of the chief executive.

Negro Rapist Gets Hearing In Selma Today

SELMA, Ala., Oct. 4 (AP)—A hearing will reopen here tomorrow on the request of a Negro that his indictment for night time burglary be set aside because he charges that Negroes are systematically excluded from jury duty in Dallas County.

Circuit Judge W. E. Callen continued the hearing Saturday after defense attorneys for William Fike questioned three Negro witnesses about Negroes serving on Dallas County juries.

Attorneys for the former Marion, Ala., filling station attendant asked that the burglary indictment against Fikes be quashed and the petit jury called to hear his trial be dismissed. Night time burglary can be punished with death in Alabama.

Fikes, convicted last spring of raping a young housewife, was sentenced to 99 years in prison. Police claim he admitted a series of nighttime raids which terrorized Selma housewives early this year.

In Selma trial—

Dallas jury board testifies Negroes screened closely

SELMA, Ala, Oct. 3—(AP)—Dallas County jury commissioners testified Friday that fewer Negroes are on their jury lists than white men because they screen Negroes more closely.

Questioned by attorneys for an accused Negro night time burglar, they said this was because there is a higher percentage of venereal disease and illegitimacy among Dallas Negro residents than among its white population.

The hearing on defense motions to quash the burglary indictment and to dismiss a jury called to hear the trial of William Earl Fikes entered its third day Saturday.

The defense claims Negroes are systematically excluded from jury duty in Dallas County.

FIKES EARLIER was convicted of rape and sentenced to 99 years in prison. Police said the former Marion, Ala., filling station attendant admitted a series of nighttime raids which terrorized Selma housewives early this year.

The jury commissioners who testified were Wallace Hill, C. C. Thomas and Kenneth Harper. Defense attorneys, who said eligible Negro males outnumber white men available for jury duty two to one, had asked the commissioners why there were so few Negroes on the jury list.

Hill and Thomas testified Thursday that there were 100 or less Negroes on the jury list against names of about 1,100 white persons.

The commissioners and two other officials testified under questioning that they had no recollection of any Negro ever serving on a Dallas County jury.

The attorneys asked Circuit Judge W. E. Callen to quash (annul) the burglary indictment, and to dismiss the jury called for Fikes' trial.

THEY CHARGED there were no Negroes on the Grand Jury which indicted Fikes, and that Negroes are systematically excluded from jury duty in Dallas County.

Jury commissioners who testified yesterday were Wallace Hill, a banker, and C. C. Thomas, a druggist.

Hill said about 3,000 persons were on the county jury lists, of whom about 100 were Negroes. Thomas estimated the number of Negroes at about 50.

Thomas said more white persons were found to be qualified for jury service than Negroes. He said Negroes weren't intentionally excluded because of race or color, but because of the commission's desire to have the best men for jury duty.

Hill said the commission wanted people serving as jurors who could make wise decisions and who had good standing in their communities.

DR. D. V. JEMISON, Selma Negro Baptist leader, testified that although a longtime resident of the county, he had never been called for jury service.

Hill said it was a long standing commission policy not to include doctors, dentists, teachers and other persons who could claim exemption from serving. They are in a class allowed this privilege by law.

Judge Callen overruled a motion asking a sanity hearing in a hospital for Fikes. Another motion has been filed to continue the burglary trial, now set for Oct. 5.

FIKES WAS INDICTED for allegedly entering a home occupied by Mrs. Al Rockwell last Spring. She is a daughter of Selma Mayor Chris Heinz.

He had been convicted of raping the young wife of an Air Force sergeant.

Police said the former Marion, Ala., filling station attendant admitted a series of nighttime raids which terrorized Selma housewives early this year.

In Fikes case at Selma—

Dallas jury commissioners deny Negroes barred by race

SELMA, Ala., Oct. 2—(AP)—Two Dallas County jury commissioners denied that Negroes are barred from jury duty because of their race, in testimony at a hearing which continued today.

They were among witnesses called by attorneys for William Earl Fikes, already sentenced to 99 years on a rape conviction. Fikes is facing trial on a charge of nighttime burglary, a capital offense in Alabama.

Grand Jury has no Negroes; pleas made to annul charges

SELMA, Ala., Oct. 1—(AP)—Defense attorneys today asked annulment of a burglary indictment against a convicted Negro rapist, alleging Negroes are systematically excluded from jury duty in Dallas [illegible]

ment against Fikes on the grounds that no Negroes were on the Grand Jury which returned it, and that Negroes are systematically excluded from Grand Jury duty.

Fikes were filed by two Birmingham Negro attorneys for the National Association for the Advancement of Colored People. Peter A. Hall and Orzell Billingsley Jr. asked a sanity hearing for Fikes, a former Marion, Ala., filling station attendant, and asked to have his burglary trial continued. It was set for Oct. 5.

Then they asked Judge Callen to quash the burglary indict

A hearing on motions filed by two attorneys for William Earl Fikes was set before Circuit Judge W. E. Callen at 10 a.m.

Fikes was indicted on a charge of night[illegible] offense in Alabama. He is accused of e[illegible] plied by Mrs. Al Rockwell, daugh

8512

White Man Given Life For Rape Of Negro Woman

ARKADELPHIA, Ark. — (ANP) — An 18-year-old white youth must spend the rest of his life in prison as the price for raping a 78-year-old Negro woman.

A Clark Circuit court all-white jury found Fred Ellis guilty of raping the aged woman. Judge Lyle Brown pronounced sentence after the jury, which included two women, deliberated less than an hour.

Ellis, according to police reports, confessed to the assault, which supposedly took place at Barringer, near Gurdon, in October, 1952. Police also said the woman was robbed.

According to the testimony of the victim on the witness stand, the white man had overtaken her in a pasture and threatened to shoot her. She testified he robbed her of some small change and then raped her.

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White Youth Guilty In Negro Rape Case

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Man Gets Life In Rape Case

MAGNOLIA, Ark. — (ANP) — Life in prison is the penalty a white man must pay for raping an 82 year-old Negro woman on her farm near here today.

A jury was swift in arriving at a decision, convicting Willie L. Dalton, 33-year-old Grant Parish, La., of the rape charge. The trial and jury deliberation lasted less than an hour and a half.

Gus [illegible], judge of circuit court, sentenced Dalton who previously had served time in the Louisiana state penitentiary for attempted [illegible] according to Claud Linton, Columbia county sheriff.

Linton said Dalton was driving through the southern part of the county when he entered the home of the aged colored woman and attacked his victim.

Ex-Convict Guilty of Rape Charge

PINE BLUFF, Ark.—Sammie Alford, 27-year-old ex-convict, was found guilty here last week on charges of raping a white woman, by an all-white jury and recommended that he be put to death. The jury deliberated fifteen minutes. Alford had pleaded innocent to a charge of raping the woman telegrapher on the night of May 28 in the Missouri Pacific railroad yards here.

J. C. Dickey and Reggie Filbert, court-appointed attorneys for Alford, said they would appeal the verdict. Prosecuting attorneys had asked the death penalty on opening of the trial.

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CONNECTICUT

8513

GI Draws 12 To 15 Years On Rape Rap

STAMFORD, Conn. —Pvt. James Higgs was sentenced last week to from 12 to 15 years for allegedly raping his former socialite employer.

Legal counsel of the local NAACP branch said that an appeal will be made because of the complaining witness' flimsy evidence and the fact that the court ignored Higgs' alibi and the testimony of several witnesses.

8514

Set New Date In 'Rape' Case

TALLAHASSEE, Fla. — Argument for appeal of the conviction of Walter Lee Irvin, twice-convicted defendant in the famous Groveland "rape" case, was postponed last week until Tuesday, Feb. 17, because of an injury suffered by one of the NAACP lawyers arguing the case.

The appeal was scheduled for a hearing before the Florida Supreme Court Tuesday, Jan. 27, but was postponed when Atty. Alex Akerman of Orlando, Fla., suffered a hip injury when he was getting off the plane here.

Groveland Case Aired

JOHN A. DIAZ

TALLAHASSEE, Fla. — The nationwide publicized Groveland rape case which rocked the nation in 1949, because of mob violence, reached the Florida Supreme Court for the second time last week when motions were made again by the NAACP to save Walter Lee Irvin from the electric chair.

Irvin is one of four defendants originally accused of raping a seventeen-year-old farm wife on a lonely road on the night of July 15, 1949.

TWO OTHER defendants are now dead; one is serving a life sentence, having avoided a death sentence because of his age.

The first to be killed was Ernest Thomas, who succumbed to the bullets of posse before he was brought to trial. The second killed was Samuel Shepherd, who was killed by the bullets of the sheriff.

Charlie Greenlee, then sixteen, was too young to be sentenced to the electric chair, so he was given a life sentence.

Arguing for the acquittal of Irvin, on the grounds that he never received a fair trial, were his two attorneys, Alex Akerman Jr., white, of Orlando, and Thurgood Marshall, NAACP attorney from New York. The lawyers argued that neither in Lake County where the crime was allegedly committed nor at Marion County was it possible for the defendant to receive a fair trial, because of the climate of racial prejudice that prevailed in the two adjoining counties.

The U. S. Supreme Court had ordered the retrial because it ruled that the first trial, which resulted in a guilty verdict and a sentence to the electric chair, was held in an atmosphere of prejudice and "prejudgment."

NAACP Asks Irvin Review

Sentenced To Die In Assault Case

TALLAHASSEE, Fla.—A motion for a rehearing for Walter Irvin, twice convicted and sentenced to death in the Groveland criminal attack case, has been filed in the Supreme Court of Florida. The papers were filed by attorneys of the NAACP.

Irvin's second conviction was affirmed by the State Supreme Court on June 23, with Justice Hobson dissenting on the ground that the conviction should have been reversed because of remarks which State's Attorney Jess Hunter made in his closing argument to the jury. The majority, however, held that the remarks were in order and upheld the conviction.

Irvin is one of four colored youths charged with attacking a young white housewife back in the summer of 1949. Ernest Thomas, one of the four, was slain by a deputized mob. The other three were convicted, with Charles Greenlee, then 16 years old, receiving a life sentence, and Irvin and Sammy Shepherd being sentenced to death.

On appeal to the U.S. Supreme Court, a new trial was ordered for Irvin and Shepherd in 1951. En route to the second trial, Shepherd was killed by Sheriff Willis McCall of Lake County, Fla. Irvin also was shot by the sheriff and seriously injured.

The petition for a rehearing, filed by NAACP attorneys Paul Perkins of Florida, and Thurgood Marshall and Jack Greenberg of New York, also aks for a stay of execution in case a rehearing is denied. The stay will permit the attorneys to petition the U.S. Supreme Court for a review of the case should the Florida court dismiss the motion for a rehearing.

Fla. Court Dooms Irvin Second Time

TALLAHASSEE, Fla. — Walter Irvin, who was almost lynched while being transported from prison for his second trial for rape was looking to the U. S. Supreme Court as the only means of rescue from the electric chair.

Last week the Florida Supreme court upheld by a 6-1 vote, the decision of a lower court sentencing him to death for his part in the alleged rape of a young white married woman.

The case nationally known as the Groveland case, had its inception in 1949, when four youths were arrested and charged with the sex attack.

Two of the youths were slain by police officers and a third because of his youth was given a life sentence, instead of the electric chair.

The Supreme Court said it could find no grounds for reversing Irvin's conviction by the Marion County Circuit court. He previously was convicted in Lake county where the crime was committed but that verdict was reversed by the U. S. Supreme Court which said feeling against him there was so high he could not get a fair trial.

The case attracted national attention because it brought a wave of demonstrations against Lake county Negroes, including burning of their homes. A new trial in adjoing Marion county was granted as a result of the U. S. Supreme Court ruling. However attorneys for Irvin said a public opinion poll showed animosity towards their client in Marion county, also.

They contended in the State Supreme Court that Judge Truman G. Futch had erred in refusing to consider the pollsters' testimony in deciding whether to change the trial site. The Supreme Court supported Futch 6-1. The majority opinion read by Justice Elwyn Thomas said the poll officials who testified hadn't made the surveys themselves and their testimony was rightly ruled inadmissible because it was nothing more than "hearsay based on hearsay."

The Court also cited testimony by a group of White and Negro citizens of Marion county that Irvin could get a fair trial there.

The Court also supported Futch in admitting Irvin's shoes as evidence.

Justice Frank Hobson was the lone dissenter. He said Judge Futch erred in his conduct of the trial because he didn't tell the jury to disregard a remark by the prosecutor about testimony given in the jury's absence.

The Court majority said it was a harmless error but Justice Hobson declared almost any error may be harmful in a capital case where the jury can award a life sentence.

area near here after robbing her sailor companion, Dale R. Adams, 23, and tieing him to a tree.

Stinson and Duke testified that the woman submitted to them voluntarily. They claimed that Adams was drunk and that they left him in the woods.

The divorcee said the three men forced their way into their car after she and Adams drove up to a night club here and debated whether to go in.

56

Jury frees Floridian of criminal assault

(AP) A jury deliberated only 48 minutes Friday before acquitting a railroad [illegible] with raping a 20-year-old Negro woman.

William A. Martin of Pensacola was charged with assaulting the woman last October. His wife remained at his side throughout the two-day trial.

2 Men Convicted On Rape Charges

PENSACOLA, Fla., Sept. 25 (AP) —A Circuit Court jury which deliberated an hour convicted two men today on charges of raping a 23-year-old divorcee near here last June 14.

Another man was convicted on a charge of being an accessory to the rape. The jury recommended leniency in all three cases.

Circuit Judge L. L. Fabisinski sentenced Wilton Louis (Red) Stinson, 18, Pensacola, and Jack A. Duke, 22, West Palm Beach, Fla., to 29 years in prison for the rape [illegible]

He sentenced Marine Pfc. Charles Richard Della Badia, of the Pensacola Naval Air Station, to 10 years on the accessory charge.

The sobbing Pensacola divorcee told the jury yesterday Stinson and Duke raped her in a wooded

Groveland Case Victim Again Appeals Conviction To Court

WASHINGTON—Petition for an appeal of the second conviction of Walter Lee Irvin, sole defendant in the famous Groveland case, was filed with the United States Supreme Court last week by NAACP attorneys in behalf of the twice convicted farmhand.

The appeal is the second taken to the high court by NAACP attorneys to set aside the convictions and death sentences of Irvin for allegedly raping a white farmwife on the grounds that he was denied due process of the law.

Irvin is one of the three Negro youths originally charged with the alleged rape of the Groveland woman and convicted in 1949. Two of them, Irvin and Samuel Shepherd, were sentenced to death. The third youth, Charles Greenlee, then 16, was given life imprisonment. He did not appeal and is still serving time in Florida penitentiary. A fourth youth, Ernest Thomas, was shot to death by a sheriff's posse before ever reaching the courtroom.

APPEAL CONTENTION

The first conviction and death sentence of Irvin and Shepherd were taken to the U. S. Supreme Court by the National Association for the Advancement of Colored People. The high court ordered a new trial in April, 1951. Justice Robert H. Jackson, in his concurring opinion, stated that the events surrounding the trial did not "meet any civilized conception of due process of law."

On the eve of the new trial, November 6, 1951, Shepherd was shot to death and Irvin seriously injured by the sheriff while he was transporting the two men from the state penitentiary.

The second trial was held in Tavares early in 1952. After one hour and twenty-three minutes deliberation, the all-white jury found Irvin "guilty" and he was again sentenced to the electric chair by Judge Truman J. Futch.

CITE 21 ERRORS

NAACP attorneys for Irvin appealed the conviction to the Florida State Supreme Court and cited twenty-two errors committed by the lower court in convicting and sentencing Irvin the second time.

Most glaring were the refusal of the lower court to admit into evidence a public opinion poll showing that the people in the county of the trial were prejudiced against the convicted man, and the refusal of the court to order a mistrial after the State's Attorney had made prejudicial remarks to the jury, plus the introduction into evidence of articles seized by arresting officers without a search warrant.

The Florida high court denied the appeal and affirmed Irvin's conviction on June 23, 1953. On July 27, the court also denied a petition by NAACP lawyers for a rehearing.

In the petition to the U. S. Supreme Court, NAACP lawyers for Irvin are again asking for a reversal of the convictioon and death sentence on the grounds that he was, for the second time, denied due process of law. Attorneys are Thurgood Marshall, Director of NAACP Legal Defense, Jack Greenberg of New York, and Paul Perkins of Orlando, Fla.

Fla. attacker gets life term

Lured girl, 13, to wooded area

JACKSONVILLE, Fla. — Charles Morris, white, 31, of McClenny, a service station employee at nearby Baldwin, last Monday was sentenced to life imprisonment for the July 21 criminal assault of a 13-year-old girl of the Baldwin section of this county.

Circuit Judge Bayard B. Shields pronounced the sentence in Green Cove Springs after denying a motion for a new trial, argued by Berwick Anderson, the court - appointed defense attorney, and State Attorney William A. Hallowes.

Morris was convicted Oct. 13, but the jury recommended mercy which saved the defendant from the death penalty.

Lured On Pretext

Morris was accused of luring the girl away from her home on the pretext that he was hiring her to help his wife shell peas at his home.

The girl testified that Morris drove into the woods of Clay county adjoining this Duval county, southeast of Maxwell, and assaulted her.

The girl's father testified that after Morris had been identified by the young victim and her mother, that Morris called him aside and offered him money to drop the charges. This he did not consent to the father said.

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Florida

8515

Florida Victim?

Quiz Painter In Rape Case

ORLANDO, Fla.—The shoe was on the other foot here last week, but the Winter Garden Justice of the Peace took it off by freeing a white man on $2,500 bond for the alleged rape of a 20-year-old colored girl.

The alleged attacker, Burdie T. Corrigan, 30, is the father of four children and hails from Mobile, Ala.

According to County Sheriff Dave Starr, the attack occurred at the girl's home where Corrigan, a painter, had gone in search of work. According to the sheriff, the girl charged that Corrigan had threatened to kill her if she made an outcry or reported the attack to police.

BOND FOR Corrigan was set at $2,500 by Justice of the Peace C. Tucker of Winter Garden.

Both white and Negro groups were aroused by the action because alleged rapists are never freed on bail, but are held in jail, since rape is considered a capital offense.

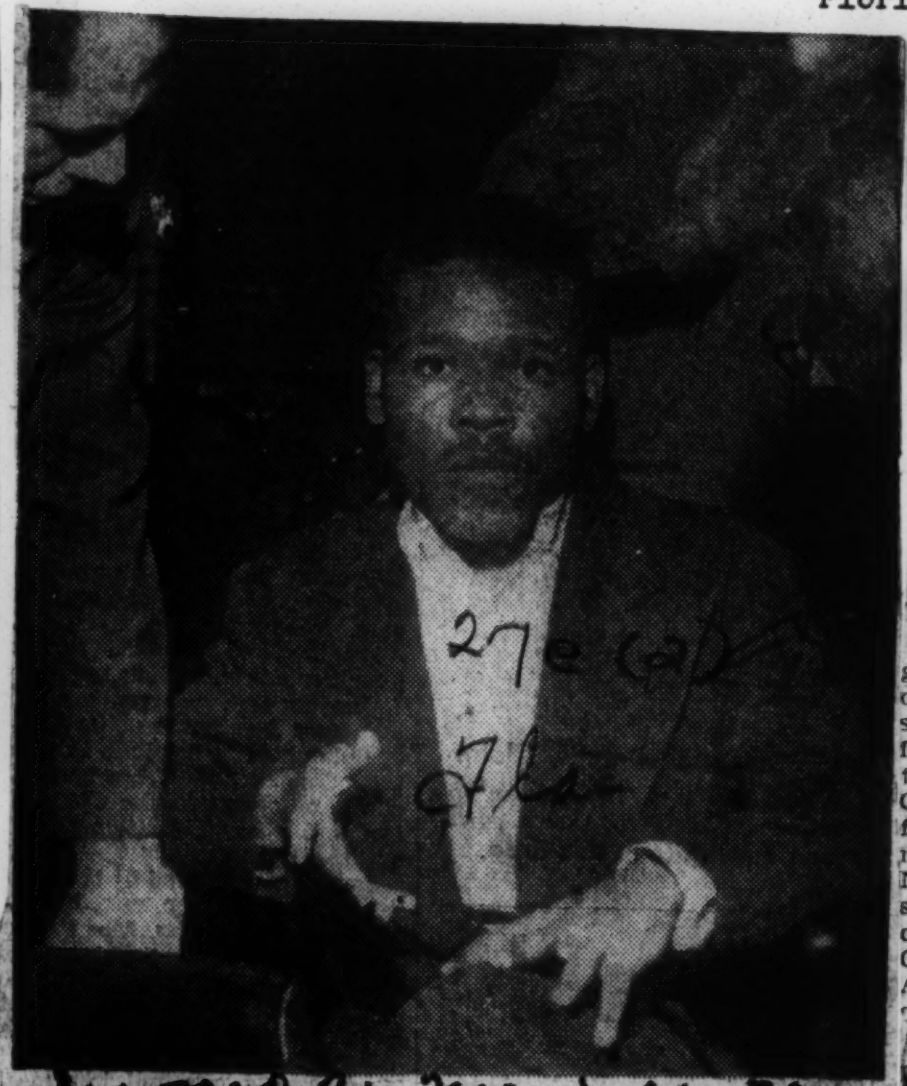
Critics of the action say that Corrigan's crime was no different from that of the Groveland boys.

Rapist Sentenced To Electric Chair

JACKSONVILLE, Fla. (Interstate) — An all-white circuit Court jury on last Wednesday returned an electric chair verdict against Charles Copeland Jr., 21, who was accused of breaking into a Grand Park home July 11 and criminally assaulting a 13-year-old girl.

The jury deliberated an hour and thirty-seven minutes before returning with the finding that Copeland was guilty of rape as charged.

The fact that the jurors did not recommend mercy means that the death sentence will be imposed immediately.



APPEAL HEARING TODAY — Walter Lee Irvin, twice-convicted in the widely publicized Groveland "rape" case, will appeal his conviction today before the Florida Supreme Court, at Tallahassee. Irvin was wounded and his companion, Samuel Shepherd, was killed by a sheriff in 1951 enroute to a new trial ordered by the U. S. Supreme Court. He was sentenced to die on a charge of raping a white farmwife and NAACP lawyers appealed the case to the highest Florida court for a hearing today.

Two Get 29 Years On Woman's Charge

PENSACOLA, Fla., Sept. 25 (AP) —A circuit court jury which deliberated an hour convicted two men today on charges of criminal assault on a 23-year-old divorcee near here last June 14.

Another man was convicted on a charge of being an accessory to the charge. The jury recommended leniency in all three cases.

Circuit Judge L. D. [illegible]nski sentenced Wilton Louis (Red) Stinson, 18, Pensacola, and Jack A. Duke, West Palm Beach, Fla., to 29 years in prison on the charges.

He sentenced Marine Pfc. Charles Richard Della Badia, of the Pensacola Naval Air Station, to 10 years on the accessory charge.

The sobbing Pensacola divorcee told the jury yesterday Stinson and Duke attacked her in a wooded area near here after robbing her sailor companion, Dan R. Adams, 23, and tieing him to a tree.

Florida Supreme Court Has Appeal Of Walter Irving

U.S. Supreme Court Sent Case Back With Denunciation of Previous Trial, Stating It Met no Civilized Conception of Due Process of Law; Thurgood Marshall Heads Attorneys Fighting For Justice For Man Accused of Rape

Tallahassee, Fla., April 14— Arguments in the appeal of the second conviction of Walter Lee Irvin, sole surviving defendant in the famous Groveland case, were heard today by the Florida Supreme Court. Presenting the argument for Irvin, twice convicted for the raping of a white farmwife, were NAACP Attorneys Thurgood Marshall, the Association's special counsel of New York City; Jack Greenberg, also of New York; Alex Akerman and Paul Perkins, both of Orlando, Fla.

Hearing on the appeal was twice postponed because of a hip injury suffered by Attorney Akerman. It was first scheduled for January 27, but when Mr. Akerman slipped and fell while getting off the plane on his way to the courthouse, it was put off until February 17. The second postponement was requested because the NAACP lawyer had not recovered sufficiently to keep the date.

Irvin was first sentenced to death in 1949 when he, Samuel Shepherd and Charles Greenlee were convicted for raping the Groveland farmwife. Shepherd was also given a death sentence. Greenlee, then 16, was sent to prison for life. He did not appeal and is now in the state penitentiary. A fourth Negro, Ernest Thomas, was shot to death by a sheriff's posse before he ever reached a courtroom.

The conviction and death sentence of Irvin and Shepherd were taken to the United States Supreme Court by the NAACP. In April, 1951, the high court ordered a new trial. Justice Robert H. Jackson, in his concurring opinion, stated that the events surrounding the first trial did not "meet any civilized conception of due process of law."

On the eve of the new trial, in November, 1951, Irvin and Shepherd were shot down in the middle of the night on a lonely road by the sheriff while he was transporting the two men from the state penitentiary to the site of the new trial.

Youth faces chair in Fla.

Found guilty in [illegible] assault on 2 girl

JACKSONVILLE, Fla.—An all white, all male Circuit Court jury convicted Charles Copeland Jr., 21, of criminally assaulting a 13-year-old girl last July, following [illegible] and 37 minutes of deliberation on Wednesday.

The fact that the jurors did not recommend mercy means that Copeland will be sentenced to die in the electric chair at an early date.

Following the reading of the jury's verdict, Copeland left the courtroom surrounded by city and county officers on his way back to the county jail.

Girl Denies Story

Copeland, who took the stand during the two-day trial, insisted that he had met the girl several times before the alleged assault took place on July 11.

The girl, however, denied that she had seen him before that date and also denied his assertion that she gave him $47.30 to keep [illegible] her on the night of the alleged assault.

Indict Fla. White Man For Rape

GREEN COVE SPRINGS Fla —Charles Hetzel, filling service station manager of Mac Clenny who is indicted for the July 21 rape of an 13-year-old colored girl in the woods near Maxwell was arraigned last Friday in this city, the county seat of Clay County where the crime is said to have occurred.

The young white man was arraigned before Circuit Judge R. D. McIver who came here from Jacksonville for the arraignment.

TO ASK DEATH

Prosecutor will be William A. Hallowes, III. Last week Hollowes prosecuted and asked for the death penalty for Charles Copeland jr. 19-year-old colored boy of Jacksonville charged with the July 11 criminal assault upon a 13-year-old white girl in the home in the Grand Park Sectio nof Jacksonville.

Copeland was found guity late last Thursday and sentenced to the electric chair when the 2-man all white jury failed to recommend mercy for him.

Judge Bayard B. Shields will preside at Morris trial in late October.

Strange Justice

Negro Gets Chair, 2 Whites Receive Mercy in Rape Cases

By C. A. IRVIN

JACKSONVILLE, Fla. — A 22-year-old Negro must die for a crime with which [illegible] charged, while two white men's lives were spared for allegedly committing the same type of crime.

[illegible] Circuit Court Judge Hentz A. Lackey, in a lengthy, typed in advance opinion, declared unconstitutional that part of a 1953 legislative act which prescribed a maximum sentence of twenty-five years imprisonment for the rape of a child under 14 years old.

JUDGE LACKEY'S action came in the case of Charles Copeland, 22, who had been found guilty of raping a 13-year-old white girl in Jacksonville. As a result, Copeland was sentenced to death in the electric chair.

In the meantime, a Jacksonville jury recommended mercy for Lawrence Cousineau, white, who was convicted Oct. 22 for the rape of a 10-year-old girl. As a result, Cousineau can be sentenced anywhere from one year to life.

In nearby McClenney, Charles Morris, 31, was convicted of raping a 13-year-old colored girl. The jury also recommended mercy in his case.

Copeland, the Negro, however, faces the supreme penalty.

JUDGE LUCKEY listened intently to arguments presented by Attys. Sam Wilson and Releford McGriffin for more than an hour, and then, reading from his typewritten manuscript, obviously prepared before the arguments began, stated that he had considered the matter carefully, was well aware of the facts in the case, and was declaring unconstitutional that part of a 1953 legislative act which prescribed a maximum sentence for the rape of a child under 14 years old.

The Jacksonville NAACP has taken an interest in the case and it is believed it will question the right of a Circuit Court judge to weigh the constitutionality of a legislative act.

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The second trial was held in Ocala early in 1952. After one hour and twenty-three minutes deliberation, the all-white jury found Irvin "guilty" and he was again sentenced to the electric chair by Judge Truman J. Futch.

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Most glaring were the refusal of the lower court to admit into evidence a public opinion poll showing that the people in the county of the trial were prejudiced against the convicted man, and the refusal of the court to order a mistrial after the State's Attorney had made prejudicial remarks to the jury, plus the introduction into evidence of articles seized by arresting officers without a search warrant.

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The appeal is the second taken to the high court by NAACP attorneys to set aside the convictions and death sentences of Irvin for allegedly raping a white farmwife on the grounds that he was denied due process of the law.

Irvin is one of the three Negro youths originally charged with the alleged rape of the Groveland woman and convicted in 1949. Two of them, Irvin and Samuel Shepherd, were sentenced to death. The third youth, Charles Greenlee, then 16, was given life imprisonment. He did not appeal and is still serving time in the Florida penitentiary. A fourth youth, Ernest Thomas, was shot to death by a sheriff's possee before ever reaching the courtroom.

The first conviction and death sentence of Irvin and Shepherd were taken to the U. S. Supreme Court by the National Association for the Advancement of Colored People. The high court ordered a new trial in April, 1951. Justice Robert H. Jackson, in his concurring opinion, stated that the events surrounding the trial did not "meet any civilized conception of due process of law."

On the eve of the new trial, November 6, 1951, Shepherd was shot to death and Irvin seriously injured by the sheriff while he was transporting the two men from the state penitentiary.

The second trial was held in Ocala early in 1952. After one hour and twenty-three minutes deliberation, the all-white jury found Irvin "guilty" and he was again sentenced to the electric chair by Judge Truman J. Futch.

NAACP attorneys for Irvin appealed the conviction to the Florida State Supreme Court and cited 22 errors committed by the lower court in convicting and sentencing Irvin the second time. Most glaring were the refusal of the lower court to admit into evidence a public opinion poll showing that the people in the county of the trial were prejudiced against the convicted man, and the refusal of the court to order a mistrial after the state's attorney had made prejudicial remarks to the jury, plus the introduction into evidence of articles seized by arresting officers without a search warrant.

The Florida high court denied the appeal and affirmed Irvin's conviction on June 23, 1953. On July 27, the court also denied a petition by NAACP lawyers for a rehearing.

In the petition to the U. S. Supreme Court, NAACP lawyers for Irvin are again asking for a reversal of the conviction and death sentence on the grounds that he was, for the second time, denied due process of law. Attorneys are Thurgood Marshall, director of NAACP Legal Defense, Jack Greenberg of New York, and Paul Perkins of Orlando, Fla.

8516

Two Indicted On Rape Charges By Savannah Jurors

SAVANNAH—(INS)— The Chatham County Grand Jury has indicted a 31-year-old Negro and a 47-year-old white man on separate charges of assault with intent to rape Negro children.

The white man, a policeman for a local laundry, was charged with attempting to rape a seven-year-old girl at her home while on his route. Listed as Bu[illegible], 47, records said he is married and the father of two children.

The other suspect, John W. Green, 31, is charged with attempting to rape his 11-year-old stepdaughter last month. Police said they caught him as he attempted to flee after tearing off the girl's clothing.

16-YEAR-OLD CASE ENDS WITH 10-YEAR SENTENCE

MOUNT VERNON, Ga. — The two-day trial of a man on charges of assault with intent to rape back in 1937 ended here Thursday in Montgomery Superior Court.

Buddy Sharpe, the defendant, was convicted by an all-white jury and was sentenced to serve 10 to 12 years in prison.

Sharpe was located by the FBI in 1951, serving a [illegible] prison, but was not returned to Georgia to await trial until January of this year.

An [illegible]ful search for the defendant shortly after the crime resulted in the fatal shooting of Sharpe's grandfather, Will Sharpe, armed posse and several persons were injured.

The sentence was pronounced by Superior Court Judge Graham in accordance with the recommendation from the jury.

Parole Board Is Asked To Commute Death Sentence

Attorneys for the National Association for the Advancement of Colored People yesterday urged the Georgia Pardon and Parole Board to commute the death sentence of Ozzie Jones, 30-year-old Savannah veteran who was convicted of raping a white woman.

Jones was convicted on October 6, 1952, of criminally assaulting a 20-year-old white waitress in a cabin behind the Bay Street extension club where she worked. An all-white jury returned the death verdict after several hours of deliberation. The board took the case under advisement.

In presenting the case to the board, Atty. Frank A. Dillworth, of Savannah, and NAACP state counsel Austin T. Walden set up the following:

1. That Frank O. Downing, white attorney who formerly represented Jones failed to request a continuance of the case although he had openly charged that the court had failed to give him time to prepare his case.

2. That Downing didn't summon available witnesses who could have testified in Jones' behalf.

3. That the attorney allowed certain prejudicial technicalities to be admitted in evidence.

4. That pictures, showing the results of a recent operation on Jones, made immediately after the alleged crime and which tended to show his physical inability to commit the act, were made available, but were not produced in court.

Jones' attorneys further pointed out that Downing was fined on contempt of court charges that he gave a release to a Savannah paper the day after the conviction that the court did not give him sufficient time to prepare his case, and also failed to notify him of the trial date until immediately before the trial. The lawyer, however, reportedly failed to have the case reset.

They also told the board that the doctor who operated on Jones prior to the alleged crime was available but had not been called to testify in the case.

Attorney Dillworth also pointed out that police had forced said incriminating evidence from Jones by taking him to the scene of the crime the same night he allegedly was admitted and placed his feet into alleged tracks found in the vicinity.

Dillworth said that Jones, while steadily maintaining his innocence, freely admitted being in the vicinity earlier. Jones said he went to the club to see his wife, Mrs. Minnie Lee Jones, who also was employed there, but left after being informed she had gone.

The lawyers pointed out that Jones had undergone circumcison shortly before the alleged crime, which made it physically impossible for him to have had sexual relations with any woman.

They charged that the state failed to produce the doctor who operated upon him, but took the testimony of a white physician who declared under oath that Jones could have perpetrated the alleged crime.

It was also alleged that Jones was arrested and convicted on purely circumstantial evidence that he had been in the vicinity earlier. The white waitress, who has since moved to a northern state, identified him from a police car and not in a line up, the attorneys said.

An appeal to the state supreme court was turned down by a five to one vote. Then five weeks ago the NAACP stepped into the case.

Macon Man Convicted Of Assault

MACON, Ga. — In a short jury deliberation, a 23-year-old Negro was convicted here in Superior Court of assault with intent to rape a young white woman and with the burglary of her bag.

The young man, Lewis Johnson, who claimed he was innocent, was given a three to five year sentence on the attempted rape charge and a 12 month sentence on the theft which was reduced to larceny from the house.

The alleged assault occurred April 25 in a cabin behind the Jack and Jill restaurant where the woman said she was sleeping.

Solicitor General Andrew J. Bryan, Jr., introduced testimony from two Marines who said they saw Johnson in the cabin and ran him down when he tried to escape.

The Marines said they had been with the woman when she became ill and was forced to retire to the cabin for rest. One of the men said he went back to the cabin to see how the woman was doing and discovered Johnson inside the cabin.

Johnson maintained his innocence; that he was walking by the cabin when the men began to chase him. His attorney, Meyer Shensky asked for a directed verdict on the grounds that the state's witness failed to prove that Johnson burglarized the cabin, or tried to rape the woman. However, this request was denied.

Jessie Starr Utters Prayer, Dies In Chair

[illegible]VILLE — Jessie Starr, convicted rapist, walked to the electric chair Thursday, murmuring a prayer.

Starr was convicted and sentenced to the electric chair for assaulting an 18-year old Floyd County white girl in 1951.

Counsel defending Starr had exhausted every remedy in an effort to have the sentence commuted. The youth allegedly confessed to the crime, but repudiated the confession at the trial.

Starr expressed regret for having "wasted his life," and pointed out: "Sorry I wasted my life. Wish I had known before it was too late. I am paying the penalty of crime. Advise everyone to stop and think and come to God before it is too late. Jesus died on the Cross for me and paid the penalty for my sins. I am trusting in His shed blood."

The state contended that Starr assaulted the girl after surprising her and a male companion in a parked car on a deserted road near Rome in August, 1951.

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petition. The NAACP claim was not properly defended in his trial in October, 1952.

Immediately following the October trial, Frank O. Downing Jr., attorney for the defendant, admitted that he had not had sufficient time in which to prepare the defense.

Questioned two days later by the judge, Downing admitted that he was so unprepared that he did not know that the alleged victim was a white woman, and that he obtained his only evidence during a 15-minute recess at the trial, and neglected to ask for a postponement. He was held in contempt of court and fined $50.

However, when examined by A. T. Walden NAACP attorney, of Atlanta at the hearing last week, Mr. Downing swore that he "was prepared." Further questioning by Mr. Walden brought the admission from the trial attorney that he had written a letter to the State Board of Pardons and Parole stating that he, Downing, "had only a few minutes to prepare the case before going to trial."

The hearing last week revealed that witnesses, who were ready to testify that Jones was not in the vicinity of the crime were never called. Moreover, the defendant claimed a physical disability which allegedly made it impossible for him to commit rape.

Plan appeal in Ga. case

NAACP fights death sentence

SAVANNAH, Ga.— Following denial of a petition for habeas corpus for Ozzie Jones, sentenced to death for an alleged criminal assault on a white woman, attorneys of the NAACP began preparations for an appeal to the Georgia Supreme Court.

Although denying the habeas corpus petition, Judge C. L. Coward of Reidsville city court near here told the NAACP attorneys after listening to four hours of argument on Aug. 7, that there is "considerable merit in your

Find Man "Not Guilty" Of Alleged Attack In Hotel

An all-white jury returned a "not guilty" verdict Thursday in Fulton County Superior Court clearing a 53-year-old Negro of charges of raping a white occupant of a downtown hotel on August 19.

Tom Bridges, 53, of 456 Nelson St., was arrested by Detectives Burdette and Ellington after a phone call from the alleged victim. The arrest was made two days following the alleged incident.

Bridges was reportedly found at his home in bed, when officers appeared, he inquired for what he was being arrested.

DELIVERED WATER

Bridges said he entered the woman's room about an hour after he was summoned to have been through work to carry her some ice water. While he was there, she allegedly asked him to pour himself a drink from the whiskey container she and the man had supposedly shared.

Defense Attorney John Tyler pointed out that she had registered at the hotel earlier with a man who had left her about 7 o'clock.

The woman denied having offered Bridges a drink. She testified she had been drinking and was asleep. She awoke to find Bridges with her. She asked Everhard, a state witness and employe at the hotel to report the incident. He said he would.

WITNESSES TESTIMONY

Everhard told the court that he saw Bridges enter the woman's room and entered a few minutes later to tell Bridges he was wanted by the manager. Upon entering he allegedly saw Bridges with his kneed on the bed and one hand across the woman's chest. He said she was attempting to fight him off. Everhard said he immediately pulled the man from the bed.

According to prosecuting attorney Eugene Tiller this was the first time the woman had been registered at the hotel.

The defense attorney, in his plea to jury, prayed that they free the man and let him spend his remaining days happy.

Judge Jesse M. Woods was the presiding judge.

Two Charged With Assault On Milledgeville Woman

REIDSVILLE, Ga. —(SNS)— Herman Miller and Willie Jackson, Jr., both sentenced to be executed for the alleged rape of a Milledgeville woman on June 28 were granted a stay of execution by Judge C. L. Coward Wednesday.

The youths were scheduled to die Wednesday night but gained a new lease on life when Judge Coward signed a habeas corpus on a petition by Frank A. Dillworth III of Savannah, attorney for the youths.

THIRD STAY OF EXECUTION

A hearing on the case has been set for October 27. The execution is automatically stayed until the hearing. This was the third stay of execution for the youth. They were originally scheduled to die on August 25.

Atty. Dillworth sought the petition in the Reidsville City Court after the Georgia Pardon and Parole Board turned down a request for clemency for the youth following a hearing September 8 before Chairman Charles M. Pannell, William [illegible] and Mrs Rebecca Rainey.

STATE TRAINING SCHOOL

The youths were convicted of having attacked the woman while searching for escapees from the State Training School for Boys at Milledgeville, where they were inmates.

Atty. Dillworth told the board at that time the boys were illiterate and products of broken homes.

SAME PROCEDURE

He leaded that even though there is no age limit for imposing the death sentence on a minor that it had been a trend in all jurisdictions not to impose it.

Dillsworth asked the Board to follow the same procedure in granting clemency to the condemn- youths.

30-DAY STAY

Gov. Herman Talmadge granted the youths a 30-day stay of execution August 25, three days before they were scheduled to die in the electric chair at Reidsville, where they are now confined.

When Dillworth took over the case his first move was to withdraw a motion for retrial—a move

which court attaches interpreted as meaning he would take the case into federal court.

Dillworth denied he viewed a federal test because both youths confessed to the crime and one admitted pleading for the girl's life.

8517

4 Soldiers Get Ga. Prison Terms

FORSYTH, Ga.—Four Fort Benning soldiers, accused of assaulting a young white farmer near here, last week were convicted and sentenced to serve Georgia prison terms.

The convicted men are Robert Lee Hamilton, who received five to eight years; Albert Cooker, three to five; Hubert Buchanan, three to five, and Roscoe Williams, eighteen months.

Catherine Hamilton, repeatedly riding with the soldiers at the time, got eighteen months.

The alleged victim, Franklin Pierson, told the court the soldiers forced him to stop his vehicle and then beat and cut him.

Make Third Appeal For Condemned Vet Convicted of Rape

SAVANNAH, Ga.—The Chatham County Superior Court has decreed that Ozzie Jones must die in the electric chair at Reidsville on July 24 for the alleged rape of a white waitress, but the local NAACP, led by militant Wesley W. Law, president, is waging a last-ditch fight for the man's life.

Jones, a 30-year-old veteran of World War II and the father of two children, has been twice condemned to die.

His third appeal for commutation of his death sentence was turned down by the Georgia State Board of Paroles and Pardons on Thursday, July 2, whereupon the Superior Court set the execution date.

THE NAACP entered the case at the behest of Jones' wife and family. Mr. Law, himself a World War II Veteran, has announced that the NAACP "feels that on the basis of the evidence presented in the case, Jones is not guilty and is therefore working to get complete exoneration."

Mr. Law said that the NAACP will seek further legal recourse and, if possible and necessary, will take the case to the Federal courts.

Frank A. Dilworth II, chairman of the Savannah NAACP Chapter Legal Redress Committee is handling the case in conjunction with Atty. A. T. Walden of Atlanta, NAACP State Counsel, and Jack Greenberg, NAACP Assistant Counsel of the National Legal Staff.

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JONES WAS originally sentenced to die Nov. 7, 1952, for allegedly raping the waitress on July 12, 1952, in a Bay Street tourist cabin.

Upon denial of his appeal he was sentenced to die in the chair on May 29.

Governor Talmadge then issued a thirty-day stay of execution on May 25, to allow Attorney Dilworth to ask the Pardon and Paroles Board for commutation of sentence.

In denying the appeal, the board said that Jones was convicted in a court of record after being represented by able counsel, was denied none of his constitutional rights and "there are no mitigating circumstances nor facts pointing to innocence to warrant a commutation of the sentence."

Mr. Law has charged that Frank C. Downing, white, original attorney for Jones had failed to properly prepare the defense for Jones because he had called no alibi or character witnesses and had to be called at his office on the day of the trial to be reminded that he was to represent Jones.

OZZIE JONES AND WIFE MINNIE LEE

2 Youths Drop Plea for New Trial

Constitution State News Service

MILLEDGEVILLE, Aug. 21—Defense counsel for two State Training School Negro youths, who received death sentences in the July term of Baldwin Superior Court on charges of rape, withdrew a petition for a new trial when the hearing came up this morning before Judge George S. Carpenter.

Frank A. Dilworth, Negro attorney from Savannah, has been retained by the families of the two 17-year-old Negroes, and his action at the hearing resulted in dismissal of the motion for a new trial which had been filed by three Milledgeville attorneys who were named by the court in July as defense counsel.

Today's legal action takes the case out of the Superior Court, indicating, court officials said, that it probably will be taken to the Parole Board, and if the appeal fails there, to the federal courts.

The two Negroes were charged with the rape of a young Baldwin County white girl last June 28. They were trusties of the training school and, according to information released at the time, were out of the institution on permission to watch for escapees.

Immediately following the court action today, Sheriff Dennis Cox said the two youths were being moved from an undisclosed jail to the State Prison at Reidsville.

Prepare Appeal In Rape Charge Victim In Georgia

SAVANNAH, Ga. — Following denial for a petition for habeas corpus for Ozzie Jones, young Negro sentenced to death for alleged rape of a white woman, attorneys of the National Association for the Advancement of Colored People began preparations for an appeal to the Georgia State Supreme Court.

Although denying the habeas corpus petition, Judge C. L. Cowart in Reidsville City Court near here told the NAACP attorneys, after listening to four hours of argument on August 7, that there is "considerable merit in your petition." The NAACP action was based on the claim that Jones was not properly defended in his trial in October, 1952.

Immediately following the October trial, Frank C. Downing, Jr., attorney for the defendant, admitted that he had not had sufficient time in which to prepare the defense. Questioned two days later by judge, Downing admitted that he was so unprepared that he did not know that the alleged victim was a white woman, and that he obtained his only evidence during a 15-minute recess at the trial, and neglected to ask for a postponement. He was held in contempt of court and fined $50.

However, when examined by NAACP Attorney A. T. Walden of Atlanta at the hearing last week, Downing swore that he "was prepared." Further questioning by Walden brought the admission from the trial attorney that he had written a letter to the State Board of Pardons and Paroles stating that he, Downing, "had only a few minutes to prepare the case before going to trial."

The hearing last week revealed that witnesses, who were ready to testify that Jones was not in the vicinity of the crime, were never called. Moreover, the defendant claimed a physical disability which allegedly made it impossible for him to commit rape.

At the conclusion of the hearing, Judge Cowart announced that he would delay signing the judgment for 10 days and would give defense counsel an additional 20 days in which to prepare a bill of exceptions and appeal the case to the State Supreme Court.

Associated with Walden in the defense were NAACP attorneys Frank A. Dilworth, III, of Savannah and Jack Greenberg of the New York office.

GEORGIA NEWS

Insanity Plea Filed For Trusty

WAYCROSS, Nov. 30—An insanity plea was entered in Ware Superior Court today in behalf of Isaiah Harris, Negro convict charged with raping a young white mother two weeks ago.

The insanity plea halted the trial which opened this morning. The court asked three doctors to make a preliminary examination.

Harris was a trusty at the Ware County works camp. Following his arrest on the white woman's complaint the camp was permanently closed. The other 13 prisoners were transferred.

Another repercussion of the case was the ousting of John L. Kennedy from the chairmanship of the Ware County Commission. This action was taken by the county grand jury in special session five days after the reported assault.

Rape Case May Boomerang On White Detective In Ga.

By JAMES L. HICKS
NNPA Pool Correspondent

REIDSVILLE, Ga. — A case which first hit the courts as rape charges against a Savannah colored man may end up this month with serious charges being made against a white Savannah detective, if the Georgia Supreme Court acts favorably on arguments soon to be presented the court by NAACP lawyers.

The case involves 30-year-old war veteran Ozzie Jones of Savannah. Jones was arrested July 12, 1952, by Savannah Detective Tommie Todd who charged him with the rape of a white waitress at a Savannah tourist home.

Convicted of the charges on October 7, Jones was sentenced to die on November 7, 1952. Savannah NAACP president, W. W. Law, however, obtained NAACP lawyers to come in on Jones side and the verdict was appealed before the Supreme Court.

APPEAL IN DECEMBER

The appeal was in December of 1952, and on August 8 of this year NAACP lawyers, Frank Dillworth, Jr., of Savannah, and A. T. Walden of Atlanta, petitioned the court for a writ of habeus corpus for Jones.

The writ was denied, but in denying the writ Judge C. L. Cowart found "considerable merit" in the petition of NAACP lawyers, and gave them a 30-day delay to enable them to bring the writ before the Supreme Court.

CHARGES AGAINST OFFICER

It was the "considerable merit" in the case which NAACP lawyers expect to free Jones, and possibly involve serious charges against the white arresting officer.

For in his testimony during the hearing on the writ, Jones, who has steadfastly denied any knowledge of the crime, testified:

1. That he was not at the scene of the alleged crime on the night it allegedly happened.

2. That if he had been present at the scene, he would have been physically incapable of committing rape since he had just been circumcised and had not had the stitches from the operation removed at that time.

3. That the white lawyer who defended him in his original trial was cited for contempt of court for admitting to newsmen after the trial, that "I had only a few minutes to prepare the case before going to trial," and that he also stated, "I never did have the complete facts of the case before I went to trial."

THEATENED JONES

But possibly more serious than all this was a charge made by Jones that Detective Todd, the arresting officer, had previously warned him that he would "frame" him on the first opportunity because Jones had refused to become a numbers writer for the detective.

Jones charged that Detective Todd came to him long before the alleged crime and asked him to sell numbers for him. He said he refused. Whereupon, he said Detective Todd told him, "I'll tell you one d— thing, from now on any time any one has done anything around here, it's going to be you. If someone steals something, or murders somebody, it's you."

REFUSED REQUEST

He said he still refused after such threats and did not see the detective again until his arrest on July 12.

Jones, who was wounded in his right thigh, right side and wears a steel plate in his head, said he later went to the hospital and while there getting other treatment he was circumcised.

He said he actually was not supposed to be out of the hospital when he was arrested, but had pleaded with hospital officials to get out.

He said the detective picked him up on the other side of town on the night of the alleged crime, and carried him to the tourist home. He charged that Detective Todd tried to get two men to identify him, but they could not be sure and that Todd then called the owner of the club, who came and held a pistol on him in the detective's presence.

CAME TO CELL

Later Jones said Detective Todd came to his jail cell with a club and some papers and demanded that he sign them. He said he asked to read the papers first, but Todd refused.

Jones testified that he told Todd "If I can't read; I can't write," and the detective left his cell with the papers unsigned.

Attorney Walden sharply criticized Robert Downing, white lawyer, who defended Jones in the first trial. Walden charged that Downing had failed to call witnesses who could testify as to Jones' whereabouts and had also failed in other respects to protect the interests of his client.

Downing was cited for contempt of court for making the statement on his unpreparedness on the crime, and is said to have been fined $50 for it. But at the haebus corpus proceedings he insisted that he had been "prepared" to represent Jones at the trial.

The case has attracted wide interest in Savannah and surrounding areas. NAACP president Law said after Jones' charges of being framed, "What we want to know now, is how much of this kind of thing has gone on before."

Bellhop Cleared of Woman's Charge

2 54-year-old Negro bellhop was acquitted yesterday of a charge that he raped a woman visitor at the Sylvan Hotel on Mitchell street.

A jury in Judge Jesse M. Wood's superior court deliberated 20 minutes in returning the verdict in the case of Tom Bridges. He was represented by John Tyler.

Bridges claimed he was "framed" by the woman and another bellhop after he told her she could have no money as a prostitute in the hotel.

Jury Rules Sanity in Ware Case

WAYCROSS, Dec. 23 — A special jury today judged Isaiah Harris, a Negro convict, sane and he was put on trial at once on a charge of raping a young white mother.

The jury took less than half an hour to return its verdict after hearing testimony of physicians appointed by the court after a defense motion for a sanity hearing had halted the trial yesterday.

Harris was a trusty at the Ware County work camp when the attack reportedly occurred on Nov. 14.

In aftermaths to the young woman's complaint, the camp was permanently closed by the Georgia Department of Correction and the Ware County commission chairman was ousted by the county grand jury.

Attacker Gets Death Sentence In Ware Court

WAYCROSS, Dec. 23 — Isaiah Harris, a Negro convict, was convicted last night of raping a young white mother on Nov. 14 and was sentenced to die in the electric chair Dec. 23.

The Ware county court jury took less than 20 minutes to return its verdict of guilty without recommendation of mercy. Judge Walter Thomas then set the date for Harris electrocution at Reidsville state prison.

Harris made an unsworn statement in which he said he was guilty and wouldn't ask mercy but did want forgiveness from God and man.

Testifying for the state were Dr. Herman Jones, director of the state crime laboratory, and Maj. Delmar Jones, head of the Georgia Bureau of Investigation.

Close Prison Camp After Attack Case

WAYCROSS, Ga.—(INS) — The Georgia State Department of Corrections closed the prison camp at Waycross and pledged tighter supervision of convicts.

The camp was closed after Isaiah Harris, 34-year-old Negro trusty, was charged with raping a young white mother near Waycross Sunday.

Director R. H. Warren of the Corrections Department said that he had received reports of laxity at the Ware County camp, and after conferring with other members of the department they decided closing the camp was "the best thing to do."

Warren added that as far as the department was concerned the "camp is closed permanently."

The 33 prisoners located at the Ware County camp were transferred to the State Prison at Reidsville.

Girl, 6, Mistreated

MACON, Ga.—Accused of attempting to rape a six-year-old girl, 56-year-old Dwight Rodges last week was found guilty of assault and sentenced to serve a three-to-five-year prison term.

Boy, 13, Taken From Juvenile Home, Indicted For Assault

A 13-year-old boy was indicted yesterday, and charged with the December 4 rape of an Atlanta white housewife, in a series of indictments which also brought charges against a 35-year-old ex-convict for attempting to assault a Grady employee and a Grady detective December 5.

The 13-year-old boy had been removed from the Juvenile Detention Home after rumors prevailed that outraged white citizens would attempt to make off with him.

SECOND ATTACK CASE

Len Lester Tyson, 35, of 151 Moore St., who police said confessed a 16-year prison hitch for the first of the year, was indicted for assault with intent to rape and assault with intent to murder.

Detective E. F. McClup said he and his partner, Jimmy Helms, were leaving Grady Hospital Saturday night when they heard a woman screaming in a nearby field. McClup said he dragged the man off his victim, and Tyson hurled a huge knife at his throat and then attempted to [illegible] himself. The victim was [illegible] Hospital employee said.

The Grand Jury also charged Johnny Will Man with rape on November 19, and Lucious Rogers with assault with intent to rape on the same date.

8519

Hear Airmen's Case
High Court Asked

Petition Says Doomed Men Were Denied Due 'Process Of Law'

WASHINGTON

NAACP attorneys last Tuesday petitioned the U.S. Supreme Court for a rehearing of the case of Robert W. Burns and Herman P. Dennis, airmen, who were convicted of the attack-murder of Ruth Farnswoth, civilian Navy worker, on the Island of Guam.

The court, by a 6-to-2 decision, with Justice Felix Frankfurter disagreeing with both the judgment of the court and the dissenters, affirmed the action of the District Court dismissing the petitions for writs of habeas corpus.

The U.S. Court of Appeals affirmed the judgment of the District Court after expanding the scope of its review by examing the court-martial records. The District Court dismissed the petitions without hearing.

Held In Japan

The two men, under sentence of death, are confined to headquarters of the Japan Logistical Command. If the Supreme Court should refuse a rehearing, President Eisenhower will likely be asked to commute the death sentences to life imprisonment. Rep. A. Powell already has asked Eisenhower to intervene.

Apparently taking a cue from the separate opinion of Justice Frankfurter, NAACP attorneys pitch their plea for a rehearing. In his separate opinion, Justice Frankfurter said he believed the case should be set down for reargument.

Attorneys for the condemned men said there was no opportunity to address themselves to what now appears to be the decisive question — whether Bruns' and Dennis' claimed denials of due process were given "fair consideration" by the military. These attorneys are Robert Carter, Frank D Reeves and Thurgood Marshall.

Before Uniform Code

The case arose before the Uniform Code of Military Justice became effective in 1950. Dennis and Burns were apprehended by military authorities on Guam on January 7, 1949. They were tried separately in May, 1949.

The District Court, in dismissing the petition for writs, held that the power of courts over the armed forces is limited to a consideration of the "jurisdiction" of courts-martial.

At no point in the courts-martial proceedings were the standards of the Supreme Court regarding the voluntary nature of a confession applied to Dennis' claim that his confession had been coerced, the petition states.

Almost Illiterate

The undisputed facts, the petition alleges, are that Dennis and Burns were held incommunicado for five days without benefit of counsel, prior to his first confession and subjected to repeated questioning. At the time he was only 20 years old and below average of intelligence.

Certain claimed denials of constitutional rights were considered for the first time on petitioners' applications for new trials, the brief states. These involved the use of pejured testimony, attempted subornation of perjury by the prosecution, intimidation and harrassment of defense witnesses.

Soldiers lose bid to escape execution

High court denies hearing to 2 GIs convicted in killing

WASHINGTON (NNPA)—Justice Felix Frankfurter last Monday declared that the Supreme Court should "frankly face up" to the issue involved in the case of Robert W. Burns and Herman P. Dennis Jr., two United States airmen, who are under sentence of death for the rape and murder of Ruth Farnsworth, a civilian Government employee on the Island of Guam.

The opinion was delivered by Justice Frankfurter on the petition of the two airmen for a rehearing of their petition for a review of their convictions by an Army court martial.

The high court denied their petition for a rehearing. Justice Frankfurter was the only judge to write an opinion. How the other justices voted was not indicated, but the denial of the petition indicated that at least four justices thought a rehearing should not be granted. Chief Justice Earl Warren did not participate in the consideration or decision of the case.

Affirmed Last June

The court last June 15, by a 6-to-2 vote, affirmed the decision of the United States Court of Appeals here upholding the action of the District Court in dismissing the applications of Burns and Dennis for writs of habeas corpus.

At that time Justice Frankfurter said he would neither affirm nor reverse the judgment of the lower courts but would set the case down for reargument because there were important issues which had not been explored.

Justice Frankfurter carried this argument further in his opinion last Monday. "Further study and reflection," he said, "have reinforced the conviction I expressed last June — and on even broader grounds than I then indicated—that this case should be set for reargument."

Unresolved Question

Justice Frankfurter also said the decision of last June leaves unresolved the question of whether an American citizen detained by federal officers outside of any federal judicial district may maintain habeas corpus proceedings against the superiors of the officers actually having him in custody.

Tried separately by Army courts-martial on the Island of Guam in 1949, Burns and Dennis were found guilty of murder and rape. The sentences were confirmed by President Truman, and the two airmen exhausted all remedies open to them under the Articles of War for review of their convictions by the military tribunals. They then filed their petitions for writs of habeas corpus in the District court here.

They alleged that they had been denied due process of law from the time of their arrest January 7, 1949, through the courts-martial in May of that year. They charged that they had been subjected to illegal detention, confessions coerced from them, denied counsel of their choice and effective representation, military authorities had suppressed evidence favorable to them, perjured testimony used against them, and their trials conducted in an atmosphere of terror and vengeance, conducive to mob violence instead of fair play.

The NAACP has sought to aid the two airmen since their convictions. It prosecuted the habeas corpus proceedings, including the appeals and the petition for a rehearing. The only recourse now left is an appeal to President Eisenhower for executive clemency.

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GUAM

8520

Supreme Court Now Considering Case Of Two Airmen Condemned To Death

27e(2)

Lawyers Contend Civil Courts Have Right To Determine Fairness Of Military Trials

WASHINGTON (NNPA) — The U. S. Supreme Court took under advisement last Thursday the question of whether civil courts may determine the fairness of trials by court martial where questions raised in habeas corpus proceedings have been reviewed by the military authorities.

The question was presented in the case of Robert W. Burns and Herman P. Dennis Jr., two airmen who were convicted by court martial of the murder and rape of Miss Ruth Pennsworth, a white civilian Navy employee on the Island of Guam.

Staff Sergt. Burns and Pvt. Dennis, who were members of the 12th Air Ammuntion Squadron stationed on Guam, are under sentence of death and are presently confined in the custody of Headquarters of the Japan Logistical Command.

Represented By NAACP

The case was argued before the Supreme Court on behalf of the two men by Robert L. Carter of New York, a member of the NAACP's legal staff, and Frank W. Reeves, a Washington lawyer for the NAACP.

The NAACP intervened in the case after the two men were convicted, at the request of parents and relatives of the two airmen.

Walter J. Cummings, Solicitor General of the United States appeared on behalf of the Government.

Right Of Civil Courts

Mr. Carter and Mr. Reeves contended that civil courts had the right to examine military proceedings to determine whether basic constitutional guarantees have been violated.

Insofar as the U. S. Court of Appeals for the District of Columbia held that a civil court had the right to inquire into whether the military trial was conducted in compliance with consitutional guarantees, it was correct, Mr. Carter told the high tribunal.

But Mr. Carter disagreed with the ruling of the appeals court that civil courts in habeas corpus proceedings may not review questions raised and determined in the established military process unless there has been such gross violations of constitutional rights as to deny the substance of a fair trial.

He contended that even if this rule is applicable to the case of Burns and Dennis, the two airmen were entitled to a hearing on the merits in the District Court.

Mr. Cummings contended that the District Court properly denied the petititons for habeas corpus because all the issues raised by Burns and Dennis had been considered and passed upon by the military authorities.

Supreme Court Dooms 2 GIs In Guam Murder

27e(2)

WASHINGTON —(NNPA) —The United States Supreme court last Monday affirmed the courts-martial conviction of Robert W. Burns and Herman P. Dennis, United States airmen, who are under sentence of death for the rape and civilian Navy employee on the Island of Guam.

In upholding the convictions the court divided 6 to 2. Four opinions were written in the case. Chief Justice Fred M. Vinson announced the judgment of the court in an opinion in which Justices Stanley F. Reed, Harold Burton and Tom Clark joined.

Justice Sherman Minton wrote a separate opinion concurring in the judgment. Justice Robert H. Jackson concurred in the result only. Justices William O. Douglas and Hugo Black dissented.

Justice Felix Frankfurter wrote a separate opinion, in which he said he believed the case should be set down for reargument.

"I cannot assume the responsibility, where life is at stake, of concurring in the judgment of the court," wrote Justice Frankfurter. "Equally however, I would not feel justified in reversing the judgment. My duty as I see it, is to resolve the dilemma by doing nither.

"It is my view that this is not just a case involving individuals. Issues of far-reaching import are at stake which call for further consideration. They were not explored in all their significance in the admissions made to the court."

Justice Frankfurter said the case "will have a strong bearing upon the relations of the civil courts to the new Court of Military appeals. The short of it is that I believe this case should be set down for reargument."

In his opinion, Chief Justice Vinson said the "limited function" of the court in reviewing judgments of military courts on petitions for writs of habeas corpus "is to determine whether the military have given fair considerations" to the claims of the petitioners.

MAY HAVE ERRED

"We think that although the Court of Appeals may have erred in reweighing each item of relevant evidence in the trial record," he wrote, "it certainly did not err in holding that there was no need for a further hearing in the District Court."

After their convictions and sentences were approved by the reviewing authorities, including President Truman, Burns and Dennis filed petititions in the District court here for habeas corpus.

The District court held that the petitions did not recite facs upon which the relieg sought could be granted and dismissed the petitions. On appeal, the United States Court of Appeals examined the long court-martial records and, by a 2-to-1 one decision, affirmed the judgment of the District court.

Burns and Dennis are confined in the custory of headquarters of the Japan Logistical command of the United States Air Force. Their executions were stayed pending final disposition of their case by the Supreme court.

U. S. SUPREME COURT ASKED TO REHEAR ATTACK CASE

WASHINGTON, D. C. - (NNPA) — Attorneys for the National Association for the Advancement of Colored People last Tuesday petitioned the United States Supreme Court for a rehearing of the case of Robert W. Burns and Herman P. Dennis, United States airmen, who were convicted of the rape-murder of Ruth Farnsworth, civilian Navy worker, on the Island of Guam.

The court, by a 6-to-2 decision, with Justice Felix Frankfurter disagreeing with both the judgment of the court and the dissenters, affirmed the action of the District Court here dismissing the petitions for writs of habeas corpus.

The United States Court of Appeals here affirmed the judgment of the District Court after expanding the scope of its review by examining the court martial records. It was a 2-to-1 decision.

The District Court dismissed the petitions without hearing evidence on the allegations of the petition.

The two men, under sentence of death, are presently confined in the custody headquarters of the Japan Logistical Command. Their convictions have been reviewed by the Board of Review in the Office of the Judge Advocate General, United States Air Force, and by the Judical Council, both of which rendered long written opinions.

The records and extensive correspondence relating to the cases were reviewed by the Judge Advocate General, United States Air Force, and he wrote memorandums of his conclusions to the Secretary of the Air Force.

Later, President Truman confirmed the sentences. The executions were stayed pending disposition of the cases by the civil courts. If the Supreme Court should refuse a rehearing, President Eisenhower will likely be asked to commute the death sentences to life imprisonment.

A SEPARATE OPINION

Apparently taking a cue from the separate opinion of Justice Frankfurter, NAACP attorneys pitch their plea for a rehearing on the ground that Burns and Dennis were not afforded adequate opportunity to submit their views on the issue on which the decision was based.

In his separte opinion, Justice Frankfurter said he believed the case should be set down for reargument. He said: "Issues of far-reaching import are at stake which call for further consideration. They were not explored in all their significance in the submissions made to the Court."

Attorneys for the condemned men said there was no opportunity to address themselves to what now appears to be the deicisive question — whether Burns' and Dennis' claimed denials of due process were given "fair consideration" by the military—because of the unsettled nature of the law at the time the case was heard by the Supreme Court.

UNIFORM CODE

The case arose before the Uniform Code of Military Justice became effective in 1950. Dennis and Burns were apprehended by military authorities on Guam on January 7, 1949. They were tried separately in May, 1949.

The District Court, in dismissing the petition for writs of habeas corpus, held that the power of courts over the armed forces is limited to a consideration of the "jurisdiction' 'of courts-martial.

When the case reached the Supreme Court, the petitioners state, they had to limit themselves to attacking the grounds on which the lower courts had denied a hearing on the merits.

Petitioners say they realize that Chief Justice Fred M. Vinson and Justices Stanley F. Reed, Harold H. Burton, and Tom Clark, and possibly Justice Jackson feel that "fair consideration' was given by the military to each of the petitioners' claims.

At no point in the courts-marital proceedings were the standards of the Supreme Court regarding the voluntary nature of a confession applied to Dennis' claim that his confession had been coerced, the petition states.

At the time he was only 20 years old and below average in intelligence, the brief asserts. His Army General Classification test score was only 70. He just missed being an illiterate, which is the classification of those scoring 69 or below.

The brief points out that the Judge Advocate General of the Air Force disposed of Dennis' claim with the observation that where evidence as to corecion is conflicting the question is properly one for the triers of fact.

Certain claimed denials of constitutional rights were considered for the first time on petitioners applications for new trials, the brief states.

PERJURED TESTIMONY

These claims involved the use of perjured testimony, attempted subornation of perjury by the prosecution, intimidation and harrasement of defense witnesses, the knowing use of planted evidence and suppression of evidence, and the conduct of the trial in an atmosphere of terror and mob violence.

Attorneys for Dennis and Burns are Robert L. Carter, Frank D. Reeves and Thurgood Marshall. On the brief with them are Elwood Chisholm and David E. Pinsky.

Two Airmen Lose High Court Bid

Death Sentence Upheld In Guam Island Killing

WASHINGTON (NNPA)—The U.S. Supreme Court last Monday affirmed the court-martial conviction of Robert W. Burns and Herman P. Dennis, U.S. airmen, who are under death sentence for the criminal attack and murder of Ruth Farnsworth, a civilian Navy employee on the Island of Guam.

In upholding the convictions the court divided 6 to 2. Four opinions were written in the case. Chief Justice Fred M. Vinson delivered the judgment of the court in an opinion in which Justices Stanley F. Reed, Harold Burton and Tom Clark joined. Justice Sherman Minton wrote a separate opinion concurring in the judgment. Justice Robert H. Jackson concurred in the result only. Justices William O. Douglas and Hugo Black dissented.

Frankfurter Opinion

Justice Felix Frankfurter wrote a separate opinion, in which he said he believed the case should be set down for reargument.

"I cannot assume the responsibility, where life is at stake, of concurring in the judgment of the Court," wrote Justice Frankfurter. "Equally, however, I would not feel justified in reversing the judgment. My duty, as I see it, is to resolve the dilemma by doing neither.

Justice Frankfurter said the case "will have a strong bearing upon the relations of the civil courts to the new Court of Military Appeals. The short of it is that I believe this case should be set down for reargument."

Limited Function

In his opinion, Chief Justice Vinson said the "limited function" of the court in reviewing judgments of military courts on petitions for writs of habeas corpus "is to determine whether the military have given fair consideration to the claims of the petitioners.

"We think that although the Court of Appeals may have erred in reweighing each item of relevant evidence in the trial record," he wrote, "it certainly did not err in holding that there was no need for a further hearing in the District Court." After their convictions and sentences were approved by the reviewing authorities, including President Truman, Burns and Dennis filed petitions in the District Court here for habeas corpus.

The District Court held that the petitions did not recite facts upon which the relief sought could be granted and dismissed the petitions. On appeal, the U.S. Court of Appeals examined the long court-martial records and, by a 2-to-1 decision, affirmed the judgment of the District Court.

Executions Stayed

Burns and Dennis are confined in the custody of Headquarters of the Japan Logistical Command of the United States Air Force. Their executions were stayed pending final disposition of their case by the Supreme Court.

In his opinion, concurring in the affirmance of the Judgment of the appeals court, Justice Minton took the position that federal civil courts do not sit to protect the constitutional rights of military defendants, or to correct errors of law made by military courts.

"We have but one function, namely, to see that the military court has jurisdiction, not whether it has committed error in the exercise of that jurisdiction," Justice Minton said.

8521

White Girl Admits False Testimony In Rape Case

Innocent Negro Serves 5 Years In Prison

KANSAS CITY, Kans., Mar. 16. —(DSN)—A young white girl, just 16 years of age, admitted this week that she lied five years ago when she accused 50-year-old Edward Oscar, a Negro, of raping her. Oscar is now serving a 20 year prison sentence.

"I want to tell you that I did not tell the truth," the girl confessed to Robert Deveney and Police Lt. Charles Welch. "I don't know why I did it. He was not the man."

When I was 11, I never had the opportunity to believe in God and I lied. I have learned to believe in God and I want to tell the truth for His sake and for the sake of my own conscience."

The girl, who remained unidentified, was attacked at night near her home in 1948, when she was 11 years old. At the trial, she accused Oscar as the attacker. He was found guilty by the circuit court jury and was given a 99 year sentence in prison. The court reduced the term to 20 years.

8522

Acquitted Of Assault Charge After 27 Years

27e(2)rel

CHICAGO — (INS) — A 60-year-old Negro man was acquitted of a rape charge after serving 27 years in prison for the alleged assault on a Chicago housewife in 1925.

The man, James Grant, was found "not guilty" by a jury of nine men and three women in a new trial granted under the Illinois post-conviction law.

Criminal Court Judge Frank R. Leonard called the verdict "astounding," and told the jurors:

"I hope in the future you will believe in law enforcement."

Grant was convicted of repeatedly attacking a 28-year-old housewife while holding her husband captive for nine hours. He was sentenced to life imprisonment.

The victim took the stand and again identified Grant, saying:

"I'll never forget him."

The defendant told the jury, when asked how the jury could bring in a not guilty verdict after such positive testimony, said it was a case of insufficient evidence.

Grant was allowed a new trial after he charged in the state court that attorneys during his first trial were out of prejudice and near

eral sts. Hodges had been placed on six months' probation by Judge Joseph Drucker in Boys' court March 20, 1952, on a charge of larceny.

RAPIST OF TWO PLEADS GUILTY; GETS 20 YEARS

Two 20 year prison sentences were ordered yesterday for John Hodges, 21, Negro, of 2860 Wabash av., after he pleaded guilty before Judge Matthew D. Hartigan in Criminal court to two charges of rape. He also pleaded guilty to a robbery charge and was sentenced to serve from 10 to 20 years. The three sentences will run concurrently.

Hodges admitted that he raped a 43 year old woman attendant in the Cook county school of nursing, in an automatic elevator in the south side apartment building where she lives. He also robbed her of $13 and her wristwatch.

His other victim was a 19 year old girl whom he forced to accompany him to the rear of a school building at 27th and Fed-

8523

Priest Given 2-Year Term In Seduction

Clergyman Accused Of Act With Girl, 14

Covington, Ky., March 10 (AP) —A Roman Catholic priest was found guilty by a federal jury today of taking a 14-year-old girl across a state line for immoral purposes. He was sentenced to two years in prison.

Judge Mac Swinford pronounced sentence on the Rev. Reuben T. Moscowitz, 42, after the United States District Court jury returned its verdict after 30 minutes' deliberation.

Charles Lester, Newport, was attorney for the former assistant pastor of Corpus Christi Church, Newport.

Judge Refuses Suspension

Just before the sentencing, he asked Judge Swinford to suspend his sentence and put the clergyman on probation.

Judge Swinford declared:

"The court feels that this is a serious offense and also a continuing offense by the defendant. It was not a crime of sudden heat and passion, but was brought about through confidence and faith. It was an act and a crime that began months before the culmination of the actual offense.

"This man is of mature years and of cultured background. The age of the girl and the whole circumstances must be taken into consideration. The man's friends and the girl's parents attempted to get this thing stopped, but to no avail.

"The parents of this child showed marked restraint and excellent citizenship in trying to avoid further trouble. Yet, the defendant moved to another section of the country, several hundred miles away, and still pursued the child. This cannot go unpunished."

Was Difficult To Get Jury

Judge Swinford concluded, "I do not wish to appear harsh and there is no attempt to impose an unjust sentence. It seems to me that the court is in good conscience in sending him to serve two years."

The jury was composed of 11 men and a woman. The original jury panel was exhausted when 15 jurors were disqualified by opposing counsel. Additional jurors were summoned from the University of Kentucky Extension Center here and by calling in officials of Covington business houses.

Man Acquitted Of Rape; 3 Others Freed

An all-male Criminal Court jury in 5 minutes' deliberation yesterday found Michael Wise, 20, Orange Drive, innocent of raping a 25-year-old divorcee February [illegible].

Wise [illegible] men the woman accused [illegible] raping her at a lonely spot near Okolona.

After the jury acquitted Wise, cases against three of the other four were filed away with leave to reinstate.

They were [illegible]

J. F. Pruitt, 26, Cave City; James Strong, 19, of 600 E. Woodlawn, and James [illegible], 22, brother of Michael, Orange Drive.

Juvenile Court has jurisdiction over the fifth defendant.

The woman charged the five forced her to go with them from a tavern in the county to the spot where [illegible] attacks took place.

Wise did not deny the relations, but he claimed they were with her consent.

Rape of Girl, 13, Brings 10 Years

A Criminal Court jury yesterday found Charles Kenneth Brown, 31, of 446 S. 13th, guilty of raping a 13-year-old girl.

It fixed his punishment at 10 years in prison, the minimum penalty in Kentucky.

Brown was charged with committing the offense at his home on January 17.

The girl's 10-year-old stepbrother was the chief prosecution witness.

When the case was [illegible] May 27, the jury was unable to reach a verdict.

Man Charged With Raping 2 Is Given 10 Years In One Case

A man charged with raping two young girls on separate occasions this summer pleaded guilty to one charge in Criminal Court yesterday.

In an agreed sentence he was given the minimum penalty—10 years in prison. The second charge was filed away.

The girls, 16 and 20, charged that Harold Leslie Ore, 28, of Bramers Lane, offered them rides to Valley High School swimming pool while they were waiting for a bus on Dixie Highway.

Both charged that he drove them to a deserted county road. The offenses took place on July 28 and August 3.

The crime carries the maximum penalty of death.

Louisville Man Is Acquitted Of Rape Charge After 3 Trials

The third time turned out to be a charm yesterday for a Criminal Court defendant charged with rape.

After three trials, Charles Kenneth Brown, 31, of 446 S. 13th, was finally acquitted.

[illegible] tried him May 27 was unable to reach a verdict. The second jury, on June 11, found him guilty and fixed his punishment at 10 years in prison. Judge [illegible] granted him a new trial.

Yesterday's jury, after only 20 minutes' deliberation, found him innocent.

Brown was accused of raping a 14-year-old girl at his home last January.

He had been in jail since shortly after the offense was alleged to have taken place.

In another Criminal Court case, Wilford Wilson, 48, of 1137 S. 17th, pleaded guilty to pocketing $21 beling to the Stearns Coal Company, 1385 Dixie Highway, while he was employed there last March. He was given a year in prison.

Jury Fails To Agree In Ashland Rape Case

Special to The Courier-Journal

Catlettsburg, Ky., Dec. 3.—A Boyd Circuit Court jury reported last night it was unable to agree, in [illegible] case of John Scippio Ferguson, [illegible], indicted for attempted rape of a girl under 12.

The jury had deliberated for almost 7 hours when it reported it could not agree.

The trial consumed all of yesterday's session. Other cases docketed had to be reset by Judge Watt M. Pritchard.

Jury Is Dismissed When It Decides Life Not Enough for Accused Rapist

Johnson Case Reset for Dec. 2

A Criminal Court jury was dismissed yesterday after members decided that a life sentence was not severe enough penalty for Jasper Lee Johnson, 29.

Johnson is accused of raping a 79-year-old woman at her home last May 19.

The jury, in effect, turned down a recommendation by Commonwealth's Attorney A. Scott Hamilton that Johnson be given the life term on his guilty plea. Johnson would have been eligible for parole in eight years under such a sentence.

The case was reset for December 2.

Judge L. R. Curtis impaneled the jury after Johnson pleaded guilty to the rape charge. Curtis said he wanted a jury, rather than himself, to fix punishment because of the seriousness of the offense.

Curtis told the jury it could give Johnson an ordinary life sentence, a sentence to life imprisonment without parole, or the death penalty.

But Hamilton said that if the jury bsought back a stiffer sentence than the life term, he would ask the court to set aside its decision.

Hamilton said Johnson had agreed to take the ordinary life term, but no severer punishment, if he pleaded guilty.

Ordinarily, Hamilton said, he would have demanded the death penalty.

Such a demand would have meant a trial, however. And Hamilton said that the elderly rape victim's health was such that the strain of testifying might prove injurious to her. He said the woman's family had urged him to recommend the life sentence to avoid a trial.

The jury reported, however, that it could not agree on the life sentence.

Judge Curtis asked the jurors for a show of hands on the life-imprisonment proposal. Eight jurors were in favor.

Hamilton said he plans to try Johnson December 2. He said Johnson's alleged victim would be called upon to testify "if she is able."

It was the second time final disposition of the case has been delayed. On October 19, Curtis postponed Johnson's court date until yesterday because of what he called a "highly prejudicial" article that appeared in The Courier-Journal. The article was an interview with Johnson.

8524

Truman Spares 2 G. I.s

Commutes Death Sentences to Life for Korea Rape-Slayers

WASHINGTON, Jan. 7 (UP).—President Truman has commuted to life at hard labor the death sentences of two soldiers convicted of the rape and murder of Korean women, it was announced today. The soldiers are Pvts. Henry L. Hunter, son of Mr. and Mrs. Henry Hunter, of Montrose, Ala., and James E. Long, stepson of Sidney J. Woods, of Fort Worth, Tex.

The Army said Mr. Truman commuted the death sentences Dec. 31 to life imprisonment at hard labor, dishonorable discharge of forfeiture of all pay. It said the Far East Command was notified of his action Tuesday.

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KOREA

8526

Ala. Soldier Faces Death For Murder, Rape

MOBILE, Ala. — The NAACP last week was asked to make an inquiry into the case of a Baldwin County soldier now under death sentence for an alleged rape and double murder in Korea.

The United States Court of Military Appeals — supreme tribunal of the armed forces — upheld a court martial death sentence against Pvt. Leroy E. Hunter of Montrose, Ala., who is accused of committing the crimes.

A court official said Hunter is confined in Japan. He gave his age as 25.

Question Evidence

Mobile NAACP secretary, J. L. Leflore said the matter would be immediately referred to the organization's legal staff in New York. He said information made available by court martial record indicates that Hunter was condemned to death on circumstantial evidence.

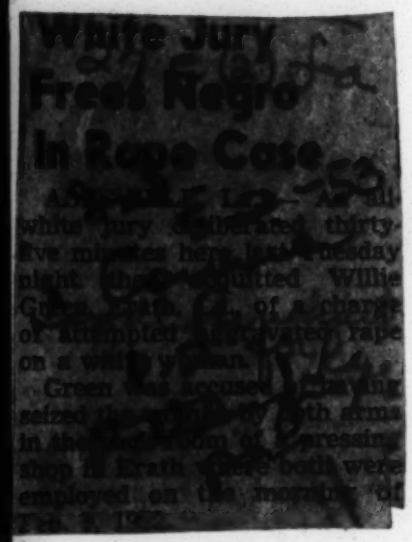
A review of the case gave this account of the charges: About midnight, April 13, 1951, a "hatless Negro soldier," dressed in military fatigues, was thwarted in an attempt to force entrance into a home in Yowhari, Korea. The soldier set fire to the house and then shot at least five persons in the vicinity, one a year old baby. Two of the victims, both adults, died.

Another incident

Immediately after the shootings a "tall, colored soldier" entered a nearby home from which he took a 10-year-old girl outside to a ditch, saying "where he choked and raped her."

Hunter was said to have been arrested shortly afterwards by police in the vicinity of the shootings. The court martial was told that the clothing [illegible] and decided after examining it that it had recently been used. It was said that military unit revealed that Hunter alone was unaccounted for.

8525



White Jury
Frees Negro
In Rape Case

A[illegible] all-white jury deliberated thirty-five minutes here last Wednesday night [illegible] acquitted Willie Giles Green, 24, of a charge of attempted aggravated rape on a white woman.

Green was accused of having seized the woman with arms in the course of accosting her in a shop in Erath where both were employed on the morning of [illegible], 1952.

8527

White Man, Charged In Rape Of Tot, Is Freed

A 53-year-old white man, who was accused of raping an eight-year-old Negro girl on April 30, 1951, in the area of the lakefront, was freed in Judge Platt's court Friday when his case was nolle prossed for lack of sufficient evidence.

Name of the accused was given as JAMES BRYANT.

According to information in the record, Bryant and a companion, whose real identity has not been established, were on the lakefront and they were meddled by two fair-looking supposedly Negro girls.

Bryant agreed to tell their fortunes. One of the girls was about [illegible] and the other about the age of 12.

Bryant was accused of leaving the scene with the younger girl. After the elapsing of several hours and the younger sister had not returned, the older girl became alarmed and called police.

A search was made in the area for the child who was later found in the area in Bryant's automobile and was found to have been raped after the coroner conducted an examination.

The accused was jailed and charged with aggravated rape and indicted in May, 1951.

His case had been set several times in Judge Platt's court, but was continued.

Newsmen, who were interested in justice for Negroes, conferred with Assistant Attorney Severn T. Darden's office on the case and it was expressed that there was a lot of doubt about the case ever getting a conviction because of incompetent witnesses.

Reporters said that they, while sitting in the DA's office, saw a woman, who was said to be a relative of the alleged victim, enter the DA's office. The alleged relative, 19 years old, is reported to have said that she wanted the case dropped, but the case could not be dropped because of the indictment.

A. J. Chapital, president of the New Orleans branch NAACP, offered to see Mr. Darden personally about the Bryant case last Friday and had scheduled an appointment with him. However, the district attorney cancelled the appointment before Chapital arrived.

The case was then subsequently nolle prossed.

In Louisiana, where "justice" seemingly sometimes works in a mysterious way, three Negroes during the past year died for having been accused in similar cases involving white women.

Those who paid the supreme penalty where Paul Washington, Ocie Jugger and Walter Bentley.

Another since has been condemned to walk to the chair for the alleged crime of rape of a

Free in Rape Case

NEW ORLEANS—James Bryant, a white man charged with rape of an 8-year-old Negro girl here, was set free Friday when the case was nolle prossed in Judge Pratt's section of Criminal District Court.

Find 2 Guilty In Rape Case

NEW ORLEANS — Two men were found guilty of raping a 22-year-old woman last week in Judge Fred W. Oser's court. They will be sentenced later.

Clifton P. Poret and Edgar Labat were arrested after they raped the woman [illegible] police. The victim's escort fled.

Prisoner Gets 20; Attempted Rape On Prison Grounds

ST. FRANCISVILLE, La. (ANP) — Freeman Collins, [illegible] serving a nine year sentence for manslaughter, was given an additional 20 years when he pleaded guilty of attempting to rape the wife of a [illegible] employee.

Collins, [illegible] was brought from Caddo [illegible] where he is working as a house [illegible] the home of the prison [illegible]

According to the woman's statement, Collins did not make an attempt.

First, he attempted to excite her but after awhile seemed him to run away. That's as far as the attempt to rape succeeded.

After fleeing the scene of the alleged attack, the former trusty was found hiding in a shack on the grounds of the state prison at Angola.

The trial was one of the speediest in Louisiana's criminal history. Everything happened in one day — the attempted attack, the trial and the conviction.

Ex-Choir Singer Has Been Model Prisoner, Not Bitter

While most high school seniors thoughts are centered on Christmas joys and graduation plans, another 18-year-old shy and quiet would-be' senior is lodged in parish prison thinking of the 27 months he has spent in prison, the last 12 for a criminal court judge to rule on a motion.

The youth is Robert Green who was 16 years old when police arrested him around 10 p. m. Aug. 21, 1951 for the alleged rape of a white woman. He was brought to parish prison three days later.

The criminal court judge who has not ruled on a motion to quash the indictment for the past 18 months is George E. Platt.

Last week the judge admitted that the delay was unusually long and said it "was the district attorney's fault."

But assistant district attorney Morey Sear who handled the case and since that time has been transferred to another section, said the delay was caused entirely by Judge Platt and that he, himself, had advised the judge to make a ruling.

Maurice Gatlin Green's attorney, stated Saturday that Judge Platt was not to blame, because the testimony had not been completed. He added that this delayed action was done in the best interest of his client.

However, Asst. DA Sear believes that all the testimony was heard and that Judge Platt never indicated that he wished to hear more.

He said "It is my impression that Judge Platt intended to overrule the motion but before he could [illegible] Judge O'Hara [illegible] a similar motion in a very similar case."

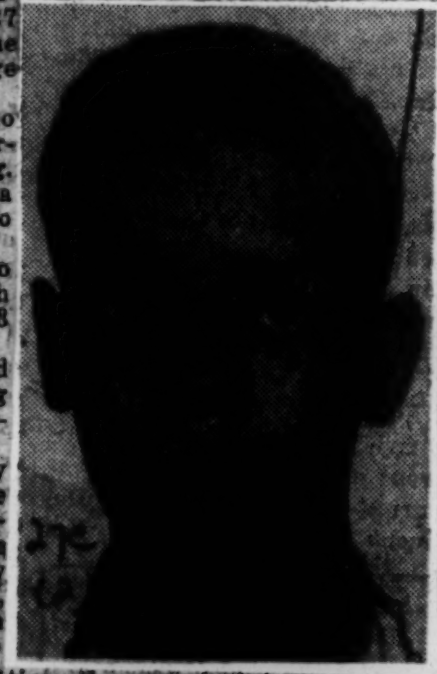
Sear said that after O'Hara made his ruling, Platt "wanted to wait to see if the State Supreme Court would uphold O'Hara."

However, the O'Hara ruling was never brought to the Supreme Court.

In selecting the grand jury, Platt had not selected any Negroes although there were some Negroes on the panel.

Last September, Sear said, he reminded Platt and he still had not ruled in the Green case. He said Platt replied that he would wait until his term with the grand jury was over before ruling.

Saturday morning when Green was interviewed, he said he had been to court 14 times and each time the case had been set back or put off because the witness was out of town.



The quiet and well-mannered youth who had been a singer in the choir and secretary of the Sunday School at Mt. Olive Baptist Church (Algiers), has been a model prisoner during his stint at the Broad Street prison, according to inmate officials.

As the youth talked, the expression on his face and his manner-ism indicated his sincere belief that he would soon be a free young man to engage in the teen-age activities which have been denied him these past many months.

Observers pointed out that it was difficult to see how a 135-year-old lad of his approximate five feet 7 inches and 110 pounds could possibly rape a 35-year-old woman who weighed much more than he.

In canvassing the neighborhood where the youngster was brought up, it was learned that he was well liked by both whites and Negroes. Many sent [illegible] various officials expressing the sterling character of Green and their disbelief of his actions, it was learned.

The lad's mother, a very religious woman, was very upset over the plight of her only child. She said, "I am praying hard and hop-around me, I had permitted him to ing that my prayers will be an-go to the opening of a recreational swered because my son is a good playground the night the alleged child; anyone can tell you that. I situation supposedly took place." have never permitted him to run around in the streets, because I am sickly and need someone around the house with me most of the time."

The sad mother visits her son twice a week even though the doctors have warned her that she was placing a great deal more strain upon her already weak and sickly heart. "Even though I remain only a short time, I must see him," she cried.

When the teen-ager left to return to his cell, it was evident that the strains of confinement had dampened his memory somewhat. He was calm and not bitter that justice had played truant in his case.

Doomed Youth's Lawyers File Suspensive Appeal

A 19-year-old youth was sentenced to die in the electric chair for aggravated rape by Judge Niels F. Hertz, Monday.

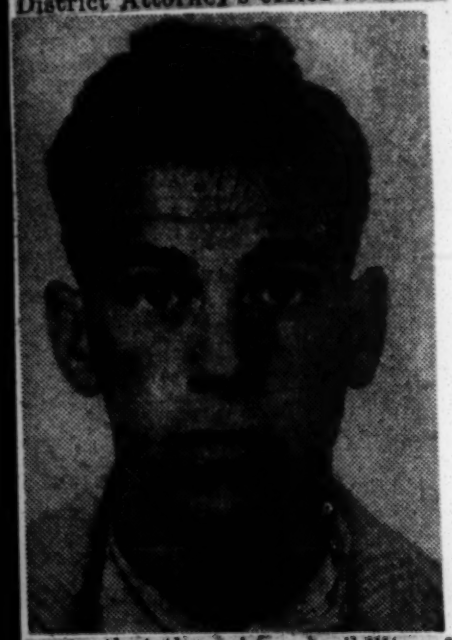
John Michel, 1419 Milton, was found guilty by a 12-man all-white jury in criminal district court last May 29 for raping a 15-year-old white girl Feb. 10 in a lot near the St. Bernard housing project.

After passing sentence, Judge Hertz allowed a defense motion for a suspensive appeal before the Louisiana State supreme court and set Jan. 4 as the date the motion will be heard before him.

The attorneys for Michel are George Fust and Gerard Schreiver. Both indicated they would ask the State Supreme Court for a suspensive appeal.

According to Attorney Fust, there is a 50-50 chance that the State Supreme Court might grant a new trial. A transcript of all the evidence on files and a brief form has to be made and sent to the supreme court before the Jan. 4 meeting before Judge Hertz, he said.

Observers point out that the District Attorney's office does not



agree that there is a possibility of a new trial being granted.

In the event that a new trial is not granted by the state supreme court, Fust declared that he will take the case to the U. S. Supreme Court where the chances of getting a new trial are estimated as a 75-25 per cent possibility.

It was learned that Michel's mother, who has 12 other children, has not been able to visit him because of her numerous chores. However, one of his sisters and an aunt have been to visit the doomed youth.

Even with the granting of a new trial, the results might be the same verdict, it was speculated.

Attorney Fust said if it were possible to get a plea of guilty without capital punishment, he feels that a lot will have been accomplished because it is pathetic for a person to sit and think that each passing day brings him closer to a horrible death.

Several Negroes have died during the past years for the crime of rape in New Orleans.

The most publicized case was a double electrocution of Paul Washington and Ocie Jugger, who paid the supreme penalty in July, 1952, in Gretna jail. Washington declared to the end that he was innocent of the crime, Jugger confessed his guilt.

Through the years the Negro has paid the supreme penalty for rape of persons of the opposite race. But not a single one of the other race has died in the chair for rape of a Negro woman, though convicted.

Observers believe that the chair seems to be 'reserved' for Negro offenders.

27e(2) 1953

Maryland

8528

Gov. McKeldin Saves Rapist From Noose

BALTIMORE, April 14 (AP).—A 23-year-old man scheduled to hang this week for the rape of two young women, was spared today by Gov. Theodore R. McKeldin.

The Governor commuted to life imprisonment the death sentence of Jeremiah Driver, an AWOL Army draftee.

The order took note of Driver's "defective makeup" and said psychological tests had rated his intelligence "in the dull normal range."

It was the fourth death sentence McKeldin has commuted since taking office in January, 1951. He has permitted no executions.

Driver was the first Negro ever sentenced to death here for raping another Negro.

8529

Man Freed in Michigan After Serving 25 Years For Rape He Did Not Commit

DETROIT, Mich. — (ANP) — Twenty-five years ago, DeForest Wayne, 52-year-old Negro, was accused, tried, convicted, and sentenced on a rape charge and packed off to prison for life—all in one day and all without the benefit of a jury trial.

Last week he was freed after Recorder's Judge Paul E. Krause became convinced "that the evidence for which you served 25 years would not sustain your conviction."

Wayne, who consistently asserted his innocence, merely commented, "I don't feel bitter toward anyone."

In 1927, a woman identified Wayne in a police line-up as the one who had raped her in her apartment.

In granting Wayne's release from prison, Judge Krause found several questionable items after studying the transcript of the case. Said the judge:

"I read the records in your case and found many errors. For example, the woman said she was raped in a dark room; her husband was in an adjoining room, and her daughter in another room and they heard or saw nothing."

Furthermore, said the judge, "the woman never positively identified you as the man who raped her . . ."

The woman who accused Wayne died in 1937.

Rape He Did Not Commit Costs 25 Years In Pen

27e(2) Mich

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8530

EYES ON MISSISSIPPI

McGee Case Cited in Study of Delays

By W. F. MINOR
(Times-Picayune Staff Correspondent)

JACKSON, Miss.—The Willie McGee case, which plagued Mississippi courts for nearly years and became a propaganda weapon for Communist-front organizations, lastweek was being used by the National Conference of Chief Justices as an object lesson to prevent endless delays in executing court sentences.

The case, which was closed from Mississippi's judicial standpoint when McGee died in the electric chair on May 8, 1951, was brought into study by the national conference officials as an interesting parallel to the recent Rosenberg case.

On the committee of conference, which attacked the problem of plugging loopholes in the federal court system which permit repeated stays of execution, was Mississippi's Chief Justice Harvey McGehee.

Proving Ground

McGehee, who headed the Mississippi bench throughout most of the course of the Willie McGee case, outlined each step in the judicial marathon which the case became.

The "defense" of McGee, which was taken up by the Civil Rights Congress of 1948, nearly three years after he was first convicted of the crime of rape of a white woman, show that Mississipi was made a "proving ground" for the techniques used in the Rosenberg case, court officials here have pointed out.

In both cases, the Civil Rights Congress and its attorney, Emmanuel Bloch, were involved. Both cases reveal a record of last-minute petitions of alleged new evidence which were used as devices to get to a single member of the United States supreme court for a stay of execution.

During the course of the Willie McGee case, Mississippi's supreme court and its top officials "bent over backwards" not to close any legal doors to the Civil Rights Congress which would provide a propaganda device for the Communist-front group.

On several occasions, members of the state supreme court granted hearings to attorneys of Civil Rights Congress at times when the court was in vacation and on Saturdays.

Stays Granted

In May, 1948, when the CRC entered the case, Chief Justice McGehee prevailed upon the attorney general not to press an advantage which he had under the procedure to prevent the congress from obtaining a record of the case after the prescribed time for such a request had expired.

On four separate occasions the state supreme court had fixed the execution of the death sentence in the case, and in three instances a stay was granted within several hours of the execution time.

The Mississippi supreme court, long before the case became a propaganda piece of the Civil Rights Congress, had reversed the lower court conviction of McGee on the grounds that Negroes were excluded from the grand and petit juries.

In the third and final trial, three Negroes served on the grand jury which indicted McGee.

8531

Attack 'Victim' Admits She Lied

Condemned Innocent Man To 5 Years' Imprisonment

KANSAS CITY, Mo. — How a conscienceless girl and a prejudiced court may ruin a man's life was disclosed here last week when a white 16-year-old school girl confessed to police that she had lied in identifying the man who attacked her over five years ago and had doomed an innocent man to prison for that period.

The part that the prejudiced court played in the matter was that it so stacked the cards against the innocent defendant that he was meted a 20-year term in prison, although he repeatedly denied that he was the guilty man.

That forces for good still exist in society, however, was proved, Thursday, when the girl, now professing a new found faith in God, told officers that the convicted man was not the person who attacked her.

Jury Urges 99 Years

The victim of the cruel frame-up is Edward Oscar, now 50-years old, who is serving a 20-year term in the Missouri State penitentiary for the crime.

The girl, who was attacked near her home in 1948, when she was 11, identified Oscar as her attacker; and a Circuit Court jury went into the case no further and assessed the man's punishment at 99 years. The court reduced this to 20 years.

The girl said that about a year ago she began to realize the injustice done against an innocent man. Arrangement for an appearance before officers was made by a nun to whom she earlier had related her story.

Admits She Lied

Said she, in her voluntary statement:

"He was not the man. When I was little I never had an opportunity to believe in God and I lied. I have learned to believe in God and I want to tell the truth for His sake and for the sake of my own conscience."

She said that identification of Oscar was made on the basis of her brother's opinion.

"I don't know why I did it," she added. "There was a man to be punished for what was done to me. I just said he was the man."

The girl consented to take a lie detector test on Friday, according to police.

Assault Sentence Vacated

Judge Commands Release Of Oscar On Girl's Story

JEFFERSON CITY, Mo. — Edward Oscar, 56-year-old victim of a false identification by an 11-year-old white girl in 1948 will soon be free after several years of confinement.

A motion to vacate a 20 year sentence was sustained recently by Circuit Court Judge Ben Terte. The court issued an order to the Missouri Penitentiary commanding Oscar's release.

Oscar had this to say: "I always believed that my day would come. I knew that God had not forgotten me. I've prayed and I'm not mad at anyone. I'm not mad at that little girl. May the Lord bless her."

The victim was convicted of statutory rape, June 16, 1938 and sentenced to 99 years in prison, but the sentence was later reduced to 20 years.

The girl, now 16, said she became convinced she should admit her falsehood after she entered a Catholic school and began studying religion about three months ago. She testified at a hearing last week that she made a false indentification during the trial.

The girl told the court she was influenced to accuse Oscar after her twin brother identified the Negro as her assailant at a police showup shortly after the crime occurred.

The motion to vacate the sentence was in accord with revised procedures recently adopted by the state Supreme Court which make it possible to seek remedy from an unlawful judgment in the same court where the judgment was rendered.

Clymer and Moore were appointed by the court to defend Oscar, who was without funds, in the 1947 trial. When the two attorneys learned of the girl's confession, they immediately took steps to secure the prisoner's release.

Oscar's case is the first to make use of the revised procedure in Jackson County Circuit court. It is expected that the warden will submit the court order to the attorney general for final considerations as to its legality, a process which will probably take about a week. After that Oscar is expected to leave the prison a free man.

Since being confined in the state institution, the prisoner has worked in the prison shoe shop and in the kitchen. He told his attorneys he hoped to secure a job in Kansas City, following his release.

He is anxious to return to work and to resume his place as a normal citizen.

27e(2) 1953

NEW YORK

8532

Freed in Rape, Kidnaping

Henrich Sallstrom, twenty-four, a Korean veteran and microfilm repair man, was cleared yesterday in Queens Felony Court of the abduction, robbery and rape of a Long Island housewife, seven months pregnant on Aug. 10.

At about 3:15 p. m. that day, a man climbed into the automobile of Mrs. Joan Sofarelli, twenty-five, of 12 Princeton St., Valley Stream, L. I., in a parking lot of the shopping center of Bellerose, Queens, robbed her of $300 and drove her to a secluded spot in Nassau County.

Sallstrom had been arrested on Aug. 29 when he allegedly attempted to rob Detective [illegible] Terry of the Missing Persons Squad, while the detective was off duty, at an Orchard Beach parking lot. The detective said he used a toy pistol. He is out on $2,500 bail in connection with this case.

Following his arrest, Sallstrom was pictured and later he personally were identified by Mrs. Sofarelli at the Bayside police station as the man who had kidnapped her.

Upon his arraignment yesterday before Magistrate Alexander Del Giorno at Ridgewood, Mrs. Sofarelli testified that after "thinking the matter over for a long time" she "was positive that he is not the man." She said she wished to withdraw her complaint against the veteran.

Detective Bernard McKenna, of the Bayside squad, also testified that officials and employees at the microfilm plant at York and Manhattan Aves. where the veteran was employed had insisted that Sallstrom had been working at the plant during the hours of Mrs. Sofarelli's attack.

When Sidney E. Friedman, Sallstrom's attorney, moved for dismissal, Assistant District Attorney Bernard M. Patten backed up the motion.

8533

'PASSED OUT' ON BACK SEAT:

Blond officer in assault case dismissed from Army

FORT BRAGG, N.C. (ANP)—Lt. John C. Sloan, white officer held on charges growing out of the alleged rape of a white wife by a colored lieutenant, last week was ordered dismissed without honor from the service.

Lieutenant Sloan was supposed to have "passed out" on the back seat of an automobile in which he was riding with Lt. John R. Griffin of Memphis and Mrs. Christiana E. Schuster.

Mrs. Schuster, a German war bride of a white corporal here, charged Lieutenant Griffin with raping her on the front seat of the car, while Lieutenant Sloan was passed out on the back seat.

Admitted Relations

Lieutenant Griffin admitted having relations with the woman, but denied he raped her. He said it was voluntary. But a court martial board found the officer guilty of the charge. He was sentenced to 30 years in prison.

At his court martial trial last week, Lieutenant Sloan pleaded "standing mute with reservations of the court" to all charges. He was officially charged with drunkenness and disorderly conduct and with "failure to abide by customs of the service."

Four colored officers were on the 10-man board which found him guilty.

Trial Testimony

In testimony at the trial, Mrs. Schuster said that Lieutenant Sloan woke up about a minute after Lieutenant Griffin assaulted her four times in the car. The trio was returning from a gay party of dancing, drinking and chatting at the Gunner's Club on Smoke Bomb Hill.

Mrs. Schuster testified she attempted to awaken Lieutenant Sloan while she was being attacked by Lieutenant Griffin. Sloan, however, said he could not remember anything after leaving the officer's club.

Oust Army Officer Who 'Passed Out'

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'Without Honor'

Rape Case Figure Ousted From Army

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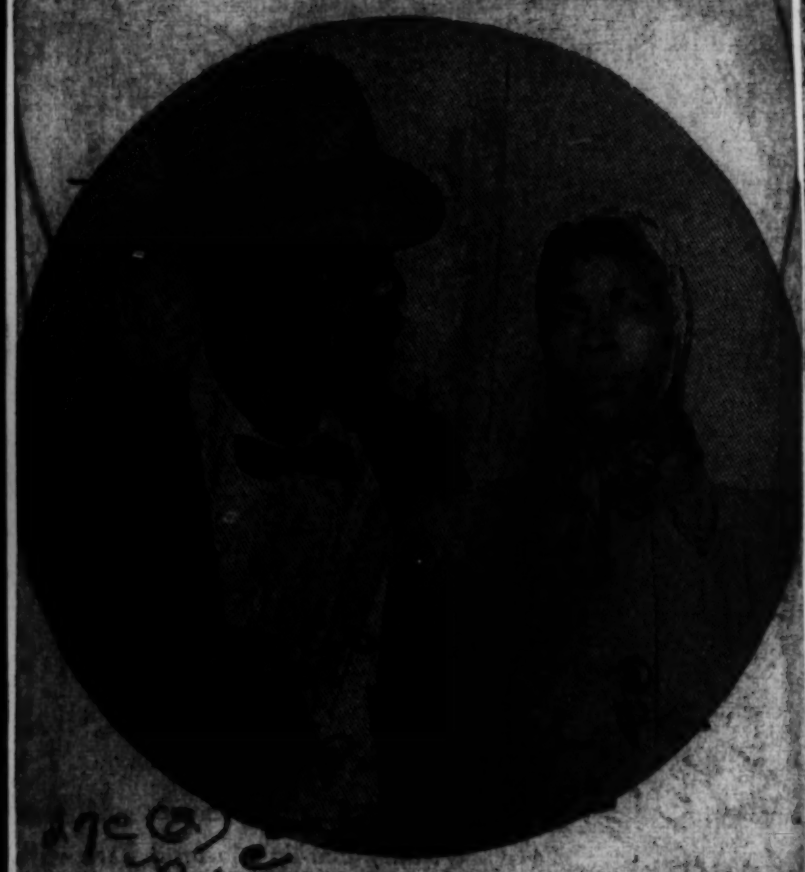
8534

News This Week



Their Worries Over—Mack Ingram and his wife of Caswell County, North Carolina, are happy this week. The North Carolina Supreme Court overruled a lower court which held Mr. Ingram guilty of assault on a white girl by staring at her from a distance of seventy-five feet.

27c(2) N.C.

Mack Ingram a Free Man!

'Look-Rape' Case Dead

By A. M. RIVERA JR.

RALEIGH, N. C.—Eye-lashing is no crime, declared the North Carolina Supreme Court here last week in a decision which brought to an end the world-wide publicity attending the "looking at seventy-five feet" case.

Chief Justice W. A. Devin stated, in the court's opinion that Mask Ingram, 45-year-old Caswell County farmer, "may have had a sinister purpose in stopping his car and walking or running in the direction of the prosecutrix, but the facts in the evidence are insufficient to make out a case of assault."

THE SUPREME COURT decision clarified an old North Carolina law under which many Negro men have been convicted on charges of white women. The unanimous decision of the court held that where there is no overt act constituting an offer or an attempt to do injury, there is no assault.

The decision ended the recent

...last night of whites in Caswell County to jail Ingram on the charges of [illegible] white farm girl and [illegible] police confession of assault by looking." Det. 3-7-53

Ingram, the father of nine children, was convicted in the Recorder's Court in Yanceyville in June, 1951, on the charges of Willa Jean Boswell, now Mrs. Edward Webster, that she became frightened when she saw Ingram looking at her from an old Chevrolet automobile which he was driving down the public highway.

She testified that she ran toward her brothers who were working in a field and heard Ingram stop his car. She told the court that when she looked back Ingram had gotten out of his car and started toward her. She admitted under cross-examination that Ingram did not speak to her nor did he make any signs to intimate what his intentions were.

* * *

INGRAM maintained his innocence during three trials and declared that when he saw the girl she was wearing dungarees and a man-type hat and that he thought all along that she was one of Mr. Boswell's boys. Ingram testified that he was looking for a trailer to haul some hay. He was later found at a farm with a borrowed trailer with hay on it.

The first Superior Court trial ended in a mistrial when two of four Negroes serving on the jury held out for acquittal.

The second Superior Court trial came up in November, 1952, before Judge Frank Armstrong, who sentenced Ingram, upon conviction by an all-white jury, to six months suspended sentence and five years probation.

Ingram was defended by the NAACP, whose lawyers were Fred Upchurch, High Point; C. O. Pearson, Durham, and Martin A. Martin, Richmond, Va.

'Look' Attacker Freed By Court

Impossible To Assault At 75 Feet, State Justices Rule

RALEIGH, N.C. — Mack Ingram's famous "asault by leer" case was finally tossed out of court here Wednesday and North Carolina can once again hold up her head to the world.

The State Supreme Court overruled the notorious case of the 44-year-old sharecropper by deciding that he could not be convicted of a criminal offense "solely for what may have been in his mind."

The state high court thus, in effect, ruled that the old statute under which Ingram was convicted on a charge of assault because he frightened a young white girl is too vague to be valid.

Insufficient Evidence

"The facts in evidence in the case are insufficient to make out a case of assault," the unanimous decision said.

"It cannot be said that a pedestrian may be assaulted by a look, however frightening, from a person riding in an automobile some distance away," Chief Justice William A. Devin declared.

Ingram, father of nine, was given a six-month suspended sentence and placed on five years probation for simple assault at his third trial at Yanceyville, N.C., last November.

Defended By NAACP

The Supreme Court ruled that Judge Frank Armstrong should have allowed a defense motion for nonsuit (dismissal) of the case. Ingram was defended by NAACP attorneys.

In 1951 Ingram was sentenced to two years on the roads in Recorder's Court at Yanceyville on the assault charge although the defense proved he did not approach nearer than 60 feet from the girl.

The case brought the wrath of the whole world down on North Carolina and was capitalized on by Communist newspapers.

The girl in the case, Willie Jean Boswell, daughter of a Caswell County farmer, said Ingram frightened her by "leering" at her curiously from his car as she walked along a rural road.

She said he stopped the car and walked rapidly after her as she crossed a cornfield toward her home.

Ingram said the girl was clad in blue jeans and a straw hat and that he thought it was a boy who could tell him where he could borrow a trailer.

MACK INGRAM

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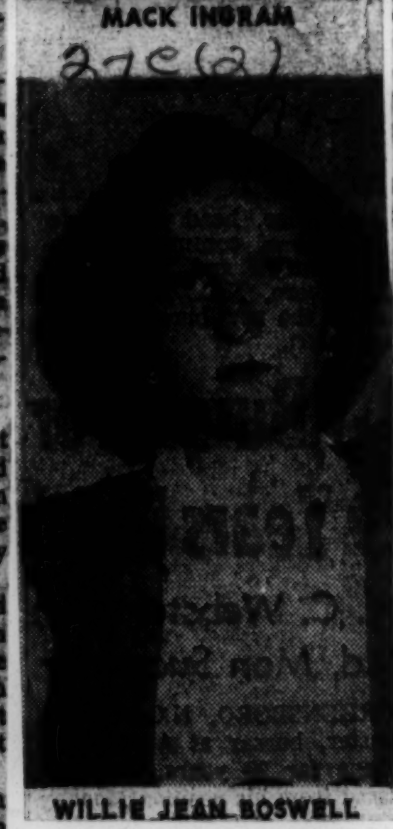

WILLIE JEAN BOSWELL

No 'Attempt To Injure'

"There was here no overt act, no threat of violence, no offer or attempt to injure," the Supreme Court said. The court, however, did not rule directly on other points in the appeal.

The NAACP argued that colored persons have been excluded from jury service "solely by reason of race and color" in Ingram's county, that the Caswell County jury which convicted him was "illegally drawn," that the statute under which he was convicted is "too vague" to be valid and that the court erred in not allowing the trial to be moved to another county.

White Youth Gets Life For Rape Of Girl, 7

RALEIGH, N. C. — (ANP) — Life in prison was the penalty given to a 19-year-old white youth here last week for the raping of a seven-year-old Negro girl in Raleigh May 23.

He is Carl [illegible] Martin, who was sentenced in Superior Court after entering a plea of guilty, thus making the life sentence mandatory.

8534

Visual Assault

The North Carolina Supreme Court has rescued that state from an ugly abuse of law. The court last week threw out an assault conviction against Mack Ingram, 44-year-old Negro sharecropper, for "leering" at a 17-year-old white girl.

According to the evidence in the case, Ingram was never closer than 75 feet to the girl, but the trial judge ruled that "assault does not have to be a case of physical contact." The judge thus made the incredible charge to the jury trying Ingram that assault can be visual—a fairly far-reaching ruling. Let us think about it.

Reversing the conviction, the State Supreme Court erased the absurdity: "It may have been that the defendant had a sinister purpose, but not enough to convict him of a criminal offense for what may have been in his mind."

Trial Judge Frank Armstrong's ruling should stand as an example of what strange shapes the majestic structure of our laws can be twisted into.

girl there on pretense of looking for a lost dog, according to testimony presented in court.

The victim's companion, also 7, was not harmed.

2 Men In N.C. Die In Gas Chamber

Guilt Doubted, Lost Long Series Of Legal Battles And Appeals

BY VICTOR L. GRAY
Staff Correspondent

RALEIGH, N.C.—Raleigh Speller and Clyde Brown sat side by side in Central Prison's gas chamber Friday morning and met death with surprising calm.

Both had been convicted of criminally assaulting white women, but they died amid a wave of popular doubt that more than one of them was guilty.

Two other men, Bennie and Lloyd Ray Daniels, whose conviction for a fatal taxicab hold-up is considered even more dubious, would have joined them except for the last-minute intervention of Chief Justice Fred Vinson of the U.S. Supreme Court.

Long Legal Battle

All four have figured in a long series of legal skirmishes aimed at eliminating alleged defects in jury selection practices which expose colored suspects to the risk of unfair trials.

Twenty-seven witnesses, mostly newspaper reporters, watched the joint execution through the chamber's 4x10-foot window.

Speller, 52-year-old Bertie county farm hand, whose steadfast claim of innocence was believed by most impartial observers, was the first to be strapped into one of the crude twin chairs.

Both Undisturbed

He sat apparently undisturbed while attendants fastened his bonds and taped a stethometer to his chest; then performed similar preliminaries for Brown seated to his right.

Neither displayed any emotions, other than the occasionally closing of their eyes as if in prayer, until the rubber masks were fitted over their faces.

With all preparations, including final prayer by Prison Chaplain W. H. R. Jackson, completed on schedule, the deadly hydrocyanide gas was released promptly at 10 a.m.

Abdominal Convulsions

Brown was first to begin the characteristic abdominal convulsions, which lasted for about two minutes; then his head tilted slightly to the left as if he had fallen asleep.

Speller's convulsions were shorter and less violent, although he was the first to be pronounced dead. Attending physicians determined that he died 10:07, and Brown at 10:10.

Brown Made Will

Prison officials said both men ended their long tenure of the death house calmly, sleeping for several hours Thursday night and eating a breakfast of bacon, eggs and coffee Friday morning, without taking advantage of their right to request a special menu.

Neither made any final statement before entering the gas chamber, although Brown [illegible] a letter Thursday night which was mailed to an aunt, Mrs. Claudine Campbell, of Winston-Salem.

Brown, who was convicted in 1950, is said to have admitted that he was involved with the 17-year-old white girl he was accused of assaulting and beating with a rifle butt in Winston-Salem. He denied that the alleged criminal attack went beyond the stage of an attempt.

Speller, however, has consistently denied any association with the woman he was accused of assaulting at Windsor in 1947. He was arrested at a filling station near the woman's home where he was loitering around the time of the alleged crime.

The State Supreme Court found error in his first two trials, but upheld the third conviction. His case was appealed twice to the U.S. Supreme Court.

Last hope for both was lost over the week end, when Governor Umstead refused to intervene following clemency hearings on May 22.

Their long [illegible] rights have been [illegible] by Herman L. Taylor, Raleigh attorney, and his associate since last October, Samuel S. Mitchell.

The two attorneys also are defending Bennie and Lloyd Ray Daniels, Pitt County cousins who had been scheduled for execution for robbing and killing a white Greenville cab driver in 1949.

Third Appeal

Their execution was stayed Wednesday by Chief Justice Vinson pending preparation of a third appeal to the U.S. Supreme Court.

This third appeal, according to Mr. Taylor, will be the first in which the case will be presented on its merits, the others having been concerned with procedure matters.

Since the high court will not have an opportunity to hear the appeal during this session, the Daniels case doubtless will stretch well into its fifth year.

Meanwhile, observers anticipate the introduction of new evidence in support of reports that the alleged victim of the Daniels cousins was slain by a white woman.

Peace Officer Rumor

Likelihood of a tardy break in the Speller case also was indicated by unconfirmed reports that a former Windsor peace officer had come to Raleigh on Thursday intending to reveal facts that might have cleared Speller.

Last-minute efforts to save the doomed men were made Thursday by several groups and individuals of both races from scattered points in the state.

These included a young white minister, the Rev. David Andrews, of Greensboro, who staged an all-day sit-down strike on the Capitol steps in protest against capital punishment.

The Governor heard pleas from the others, but took no action.

Bodies of the two gas chamber victims were removed immediately after the executions — Speller's by the Gilliam Funeral Home to Windsor, where a sister, Miss Rosa Speller, was arranging for his burial; and Brown's by the Gilmore Funeral Home of Winston - Salem.

Brown's funeral was scheduled for 1:30 p.m. Sunday at the Union Baptist church, with the Rev. A. H. McDaniel officiating.

Arrangements were made by his aunt, Mrs. Claudine Campbell, and a sister, Mrs. Louise Thompson, who accompanied the mortician to the prison for the remains.

White Youth Gets Life Sentence For Raping Negro Girl

RALEIGH, N. C., June 29—Life in prison was the penalty given to a 19-year-old white youth here last week for the raping of a seven year old Negro girl in Raleigh May 23.

He is Carl R. Wilson who was sentenced in Superior court, after entering a plea of guilty thus making the life sentence mandatory.

Stanley D. Seligson, attorney for the boy, took advantage of a law passed by the 1953 general assembly to save Wilson's life. The new law allows the defendant to enter a guilty plea, and if accepted by the state, carries mandatory life sentence in capital crime cases. It has the same effect as a jury verdict of guilty with recommendation of life imprisonment.

The youth raped the girl in woods near the National Cemetery after enticing her and another

2nd Negro Must Serve 15 Years On Rape Charge

FORT BRAGG, N.C. — (ANP)— The second Negro soldier stationed at Fort Bragg [illegible] has been sentenced to a long term in prison for the rape of a white women.

He is Pvt. David Hollinger Jr., 22, who was found guilty by a general court martial of raping Mrs. Betty P. Sykes, 20, of Burlington, and sentenced to 15 years imprisonment.

An eight-man court board, including two Negroes, deliberated only 15 minutes before finding the youthful private guilty of the attack. Sentence was decided after some 30 more minutes of deliberation.

Pvt. Hollinger was accused of raping the woman while the two were driving to Fayetteville in company with a friend of Mrs. Sykes. The latter said Hollinger forced her at gun point to drive him to the city, and on the way he raped her.

The third party, Mrs. Virginia Combs White, was ordered to lie down on the back seat and cover her head. She said she did as told because Hollinger threatened her life.

After the attack, Mrs. Sykes said she did as told because Hollinger threatened her life.

Appearing in behalf of Hollinger was his father, David Hollinger, [illegible]

After the attack, Mrs. Sykes said she drove Hollinger to Fayetteville where she left him in the Negro section of the town. She then drove back to Fort Bragg where she reported the attack. Mrs. White verified her statements.

[illegible] in prison [illegible] a white wife of a corpor[illegible]

[illegible] in company with the officer's club for the [illegible] On the way home, the wo[illegible] women and a [illegible] Lt. Griffin raped her [illegible] charged Lt. Griffin [illegible] frontseat of a stalled auto[illegible] men stationed at Fort Bragg. The man charged [illegible] Lt. John Griffin was sentenced on the [illegible]

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Defendant Has Mind Of 6-Year Old

Five Doctors Find Accused Woefully Retarded Mentally

ELIZABETHTOWN, N. C.—A 25-year-old mentally undeveloped carnival worker who has been professionally described as having the mind of a six-year-old, will go on trial for his life the week of Feb. 23 on a charge of rape-murder of a white farm wife.

A jury late Wednesday night returned a verdict of sane against Douglas Grayson of Manassas, Va., although four defense witnesses — doctors and psychiatrists—had testified that the man had the mentality of a first year school child.

MEANTIME, a fifth doctor who would not definitely commit himself, said he was of the opinion the defendant was not able to assist in the preparation of his own defense.

Grayson will be tried at a special term of court next month.

The jury of Cumberland county white citizens had decided that Grayson was sane enough to be capable of pleading to his indictment and to aid in the preparation of his defense.

AFTER THE jury reached its verdict, defense and prosecution attorneys argued for more than an hour on the question of whether he should stand trial immediately.

Grayson was charged with the rape-slaying of Mrs. Thay Lewis White, whose battered body was found in a cornfield near her home Sept. 13. Police said that when they picked up Grayson a time after the crime was mitted, he admitted the sla

Earlier Bladen County L. Sheriff Clarence King told the court that Grayson reenacted the killing at the scene of the crime. On the basis of this, the prosecution witness testified that he felt the slim light-complexioned defendant was capable of understanding the charge against him.

Court Frees Negro In 'Look' Attack

RALEIGH, N.C., Feb. 25 (AP)—A Negro sharecropper convicted of assault because he looked at white girl was freed today by North Carolina's Supreme Court.

The court reversed a conviction on an assault charge in Caswell county superior court last November against Mack Ingram. Witnessess testified at the Negro's trials that he never got closer than 65 feet to Willie Jean Boswell, the prosecuting witness. Judge Frank Armstrong gave Ingram a six-month suspended sentence, but the Negro appealed.

The case began June 4, 1951, when Miss Boswell, then 17, was walking along a road to join her father and brothers in a nearby tobacco field. Ingram, then 44 and father of nine children, drove by.

counti) taxlists as required by law and were illegally selected.

E. F. Umstead of High Point, representing Ingram, contended that aside from the fact that the jury was improperly panelled, that the evidence presented by the state was insufficient and that the presiding judge in the lower court trials should have allowed pleas for non suit.

said.

Mr. Ingram told a different story. He said the girl was clad in blue jeans and a straw hat and he thought she was a boy who could tell him where he could borrow a trailer.

The Court said:

"There was here no overt act, no threat of violence, no offer or attempt to injure."

"It may have been that the defendant had a sinister purpose in stopping his automobile and walking or running the ninety-five steps across the field. We cannot convict him of a criminal offense solely for what may have been in his mind."

Make-up of Jury Attacked

The defendant was represented in the case by the National Association for the Advancement of Colored People. The organization's attorneys that Negroes had been excluded from jury service in Caswell County "solely by reason of race and color."

Mr. Ingram first was sentenced in Recorder's Court to two years on a road gang on a charge of assault on a female. He appealed to Superior Court, and a grand jury indicted him on the more serious charge of assault to commit rape, which later was reduced.

After a mistrial in November, 1951, the case went to trial again three months ago. The defendant was convicted by an all-white, all-male jury, which had been instructed by Judge Frank Armstrong that:

"Assault does not have to be a case of physical contact. If by other means, such as looking at a person in a leering manner, or watching and then following, one causes another to become frightened and run, then he is guilty of assault."

Carolina Court Voids Conviction for 'Leer'

By The United Press.

RALEIGH, N. C., Feb. 25—The North Carolina Supreme Court unanimously reversed the "assault by leer" conviction of a Negro sharecropper, holding he could not be convicted "for what may have been in his mind" when he looked at a teen-aged white girl in a cornfield.

The [illegible] case against Mack Ingram, 44 years old, father of nine, who had received a six-month suspended sentence and had been placed on five years' probation for simple assault at his third trial at Yanceyville, N. C., last November.

The defendant, who has been free in bail while the case moved through the courts, won unconditional freedom. He can not be tried again on the same charge.

The state high court's decision in effect ruled that the old state law under which the defendant was convicted of assault by frightening Willie Jean Boswell, a farmer's daughter, was too vague to be valid.

"The facts in evidence in the case at bar are insufficient to make out a case of assault," the court ruled. "It cannot be said that a pedestrian may be assaulted by a look, however frightening, from a person riding in an automobile some distance away."

The court ruled that the trial judge should have allowed the defense motion for dismissal of the case.

Mr. Ingram was arrested in June, 1951, after the girl, who since has married, complained that he frightened her by "leering" at her from his car as she walked along a rural road. She said he stopped the car and "walked rapidly" after her. He appeared to be trying to intercept her as she walked across a cornfield toward her home, she

Leer Case

Ingram Trial Illegal, Says State Attorney

By A. M. RIVERA JR.

RALEIGH, N. C.—All jury trials in Caswell County for the past fifteen or twenty years are "illegal," an assistant attorney general admitted here last week before the State Supreme Court.

The startling revelation was made at the appeal hearing of Mack Ingram, 46-year-old sharecropper, thrice convicted for the "look assault" on a white farm girl in Yanceyville in June, 1951.

ASSISTANT Attorney General Claude Love told the court that Jurors in Caswell County had been taken from the list of registered voters instead of the

A Point Overlooked

Max Ingram went free in North Carolina recently when Judge Armstrong delivered the opinion of the Supreme Court of North Carolina.

He said: "It cannot be said that a pedestrian may be assaulted by a look from a person riding in an automobile some distance away."

The fact a colored man had actually been convicted of assault merely because he looked at a white woman and that the state Supreme Court said this conviction could not stand was such a relief to civilized Americans they overlooked one other matter in the case.

Judge Armstrong said that having decided there was no assault, the court did not have to pass upon the question of the absence of colored people from the jury.

Of greater importance he took this opportunity indirectly to remind county commissioners and jury clerks in North Carolina's 100 counties that the law requires jurors be selected from the list of those who pay taxes.

Later this law was amended to read that, in addition to taxpayers, a list of other reputable citizens must be added.

This was designed to enable women to serve on juries.

Judge Armstrong says that all those who possess the proper qualifications of character and intelligence are entitled to serve on juries.

And he adds this: "The law not only guarantees a right of a trial by jury, but also the right of a trial by a proper jury."

That is a plain enough statement of the law.

Residents of all North Carolina counties might check with their commissioners to find out what has been done about Judge Armstrong's ruling.

Man Admits Attack On Little Girl

RALEIGH, N. C. — A 35-year-old white man, who told officers he was a sex maniac, was free over the weekend under a $2,500 bond on a charge of molesting a seven-year-old Negro girl. The man, W. A. Hughes, was to receive a preliminary hearing at 3 p. m., Monday before Magistrate H. A. Bland, according to Deputy Sheriff H. C. Benton.

Hughes, who lived at Cary Route 1, in Wake county, was arrested Thursday at a filling station in Raleigh and he admitted molesting the girl four times. According to information given to police, Hughes would pick up the

BOTH OF THE children identified Hughes as the man who had taken them to a nearby woods. Each time Hughes took the children into the woods, he gave them a nickel or dime.

Benton said the investi

Court Reverses 'Assault by Leer,' Absolves North Carolina Negro

RALEIGH, N. C., Feb. 25 (UP).—The North Carolina Supreme Court unanimously reversed the "assault by leer" conviction of a Negro sharecropper today, ruling he could not be convicted "for what may have been in his mind" when he looked at a teen-age white girl in a cornfield.

The decision ended the case against Mack Ingram, forty-four, father of nine, who had received a 12-month suspended sentence and five years' probation for simple assault at his third trial at Fayetteville in November. Mr. Ingram, who has been free in bail while the case moved through the courts, won unconditional freedom. He cannot be tried again on the same charge.

The court, in effect, ruled that the old state law under which Mr. Ingram was convicted of assault by frightening Willie Jean Boswell, seventeen, a farmer's daughter, was too vague to be valid.

"However Frightening"

"The facts in evidence in the case at bar are insufficient to make out a case of assault," the court said. "It cannot be said that a pedestrian may be assaulted by a look, however frightening, from a person riding in an automobile some distance away. The court ruled that the trial judge should have allowed a defense motion for dismissal of the case.

Mr. Ingram was arrested in June, 1951, after Miss Boswell, who since has married, complained that he frightened her by "leering" at her from his car as she walked along a rural road. She said he stopped the car and "walked rapidly" after her. He appeared to be trying to intercept her as she walked across a cornfield toward her home, she said.

Mr. Ingram said the girl was clad in blue jeans and a straw hat and he thought she was a boy who could tell him where he could borrow a trailer.

"There was here no overt act, no threat of violence, no offer or attempt to injure," the court said. "It may have been that the defendant had a sinister purpose in stopping his automobile and walking or running the ninety-five steps across the field. (But) we cannot convict him of a criminal offense solely for what may have been in his mind."

Mr. Ingram was represented in the case by the National Asociation for the Advancement of Colored People. The organization's attorneys argued that Negroes had been excluded from jury service in Caswell county "solely by reason of race and color." They also charged the jury that convicted the Negro was "illegally drawn."

First Lieut. John R. Griffin of Memphis, sentenced to a thirty-year term for raping a German war bride at Fort Bragg, is a member of Alpha Phi Alpha Fraternity and attended school at DeMoyne and West Virginia State Colleges. He is the first Negro known to have confessed to the rape of a white woman in North Carolina and live to tell the tale.

Durham Jury Clears School Principal In Assault Case

DURHAM, N. C. — (SNS) — A North Carolina jury has cleared a local principal of charges of assault on a 13-year-old girl student at his school.

Henry A. Hill, principal of the Hickstown school here, now must face another charge of drunk driving.

During the trial the 40-year-old principal did not take the stand. He appeared in court only three hours after he had been bail out of jail on charges of drunk driving.

A continuance until April 10 of the drunk driving charge was granted by the court.

In the assault charge the girl took the stand and testified that on February 25 and on three other previous occasions, Hill called her out of her classroom and attempted to molest her. She said that he placed his hands on the private parts of her body.

Boy Pleads Guilty To Escape Death

RALEIGH, N. C.—Carl R. Wilson, a 15-year-old white youth was sentenced to life imprisonment Thursday in Wake county Superior Court following a guilty plea in the raping of a seven-year-old colored girl.

According to testimony in the case, Wilson raped the girl in woods near the National Cemetery after enticing her and another seven-year-old girl into the woods on the pretext of looking for a lost dog.

THE SECOND GIRL was not harmed, although she was threatened and forced to remain nearby while the crime was committed.

The victim of the attack underwent surgery following her ordeal, but she and her companion furnished police with a description of her assailant which enabled them to arrest Wilson shortly afterward.

* * *

RELEASED AFTER questioning, Wilson was rearrested a few days later and confessed to the crime.

Represented by Attorney Stanley L. Seligeon, Wilson appeared before Superior Court Judge A. R. Crisp and entered a plea of guilty.

The guilty plea, under a law enacted by this year's General Assembly, made it possible for the youth to escape the death penalty since the new law makes life imprisonment mandatory in capital cases if a guilty plea is accepted by the state.

Fine Man, 20, $250 For Molesting Girl

WINSTON - SALEM, N. C.—Through the persistent effort and work of the local NAACP, a young white man was convicted of attempting to criminally attack a young colored girl and was fined $250 and costs.

Fined was Gwyn Triplett, 20, who was about to be called into military service. Victim in the case was Miss Dorothy Mae Lilly.

The NAACP entered the case when it was learned that Triplett's trial have been postponed twice and was to be thrown out when it came up for the third time.

Lack Of Evidence Alibi

Pressing the case for the civic organization was Richard M. Erwin, attorney. Erwin was told that there was not sufficient evidence to try Triplett, whereupon he replied that if the tables were reversed there would be no doubt about the guilt.

The presiding judge then stated that he did not wish for his court to be accused of unfairness and he set a date for a hearing.

Change Charge

When the case came up an attempt was made to change the charge to simple assault and give the man a suspended sentence. Erwin objected to this, but when it was pointed out that Triplett was only 20 and was about to enter military service, a lesser charge was accepted and Triplett was given the fine.

According to Miss Lilly, she went to Triplett's home to do some work on May 16 and after he had her do two simple chores, he told her to come into the living room and look at television.

Forced Into Bedroom

At this point, she explained that he made improper advances to her and forced her into a bedroom and tried to disrobe her. He was restrained, after she began screaming and paid her 89 cents for the work she had done and allowed her to leave.

Miss Lilly went home and told her mother what had happened and her mother called the police. Triplett was then charged with attempted criminal attack. When officials continued to put off his trial, a student called the NAACP about it.

8536

Canal Zone Refuses Pardon To Negro In Jail For Raping White Woman

BALBOA, Canal Zone. — (ANP) The third petition for a pardon for a Negro convicted of rape of a white woman has been turned down by the Canal Zone's Pardon Board because studies conducted do not reveal "sufficient grounds to justify the exercise of executive clemency.

The latest petition for executive clemency from a 50-year sentence for Lester Greaves, aided by the Panamanian Negro Improvement Association has been denied by Gov. John S. Seybold of the Canal Zone.

Greaves has already served seven of the 50-year sentence imposed on him in 1948 by Judge Bunk Gardner when Greaves pleaded guilty to the crime of raping a white girl in Balboa.

The District Court judge in imposing sentence at the time ruled that under no circumstances was the accused to receive executive clemency.

The Panamanian Negro Improvement Association, through its executive secretary Kellog A. White, presented to the Canal government a petition said to have been signed by more than 1,000 persons, including ministers seeking a pardon for Greaves, to whom they referred as "penitent,"

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SOUTH CAROLINA

8537

Attempted Rape, Dad Draws Fifteen Years

GREENVILLE, S. C. — (AP) — A 35-year-old Pitt County farmer was sentenced here last week to fifteen years in State Prison despite his plea that he was not guilty of attempting to rape his two young daughters.

Judgment was suspended on the charge of a second attempt at rape on his daughters.

James Jones Jr. after trial in Superior Court in Greenville, was found guilty of assault with intent to commit rape on his older daughter, and assault on a female in connection with charges surrounding the attack upon his younger daughter.

The girls were 13 and 12 years of age. The alleged incident occurred between Oct. 4 and 16.

THE OLDER daughter is reported to have said that her father told her to sleep with her younger sister until he came home. She said then when she awoke, she was in her father's room and he was in bed with her. She said she didn't know how she got there.

According to reports, the younger daughter told police that she was molested by her father while she was preparing to retire. The father was held in Pitt County Jail pending the trial.

NAACP Defends Boy, 12, Held on Charge of Rape

NASHVILLE, Tenn. — Judge Chester K. Hart has denied bail to a 12-year-old Negro youth charged with criminal assault (rape) of a white woman in Belle Meade, a suburb of Nashville.

Attorneys for the NAACP, which is conducting the defense of the lad, immediately made preparations to file an appeal with the State Supreme Court.

Judge Hart's ruling was in keeping with the contentions of District Attorney General Carlon Loser, who averred that a preliminary hearing had been held at which time counsel for the defendant, who was appointed by the court, waived presentation of evidence. The magistrate in charge ordered the youth held without bail pending indictment.

NAACP lawyers, Z. Alexander Lobby and Avon Williams, established the age of the lad at twelve years and cited statutes which hold that a child between the ages of seven and fourteen is incapable of criminal intent. They also held that constitutional rights preclude allowance of bail except where proof is evident and the presumption great, and that the state had offered no such proof.

Lawyers also cited state laws which prohibited detention of minors except in special detention homes provided for juveniles. The lad is being held in county jail here.

The youth was arrested some two week ago at a private school which he attended. The arrest was made public in newspapers, in which the youth's name and picture were printed, while names of other principals in the case were withheld.

General Loser is president of the Nashville Bar Association, which is introducing a bill in the Tennessee legislature which would prohibit publication of names and pictures of juvenile offenders.

General Loser's public statements were that the lad was at least seventeen years of age, mentally retarded, and suggested mental examination at Central State hospital here. NAACP lawyers established the youth's age at 12 years, and produced both a photostatic copy of his birth certificate and his twenty-five year old mother, who was unknown to the state.

In arguring the case, Attorney Lobby said the procedure recommended by Loser would be equivalent to saying that if any man were picked up in the streets and brought into court on any charge he would have to prove his innocence before he would be allowed bail. The NAACP lawyer's contention was that since the State had deprived the youth of his freedom the burden of proof should rest with them. In spite of these arguments, Judge Hart ruled that the burden of proof rested with the defense. (The Judge admitted at the outset that there were angles of this case entirely new to him thus making unclear to him what procedure should be followed.)

The local NAACP entered the case after it was evident that the authorities and newspapers had over-played the race angle in the news stories, and that it was obvious that there were so many fundamental questions unanswered in the press reports. The conduct of the authorities in the case has been questioned.

In connection with the appeal to the State Supreme Court, the NAACP has called for funds to be donated to conduct the defense. Headquarters for the fund is at 403 Charotte Avenue, Nashville Tenn.

Man Found Guilty In Rape Of Woman He Says He Never Saw

JACKSON, Tenn., April 25 (UP) —A former circus roustabout was sentenced to 99 years in prison today for the rape of an attractive housewife he claimed he had never seen until he saw her in the courtroom.

James Melton Carter, 37, was convicted of criminally assaulting Mrs. Elizabeth Miller, 26, wife of a Jackson insurance man, last Nov. 21.

The case went to the jury last night and the verdict was delivered today after about five hours' consideration of the evidence.

Carter was arrested later in Fort Lauderdale, Fla., and the FBI said he was driving the Miller auto when [illegible]

Mrs. Miller testified she thought it "was a joke" when Carter entered her auto at a downtown traffic light here. But, she said, he then pulled a pistol and forced her to drive into the country where he assaulted her.

Carter testified in his own defense that he had "never seen Mrs. Miller" before he entered the court room. He admitted stealing the auto and driving it to Florida.

Carter had sat smiling through most of his five-day trial but the smile disappeared when the jury read its verdict. His sister, Mrs. Mary Martha Fellet of Orlando, Fla., broke [illegible]

Citizens packed the FB[illegible] tist Church, May 10, to attend a mass meeting staged by the local NAACP and to attack the actions of District Attorney J. Carlton Loser in holding a child without bail and releasing an adult.

Previously, Z. Alexander Looby, Nashville City Councilman and NAACP attorney, had requested bond release for the boy but was denied. Before the attack charge, the youngster had been living with the family in Belle Meade that employs his grandmother as a servant.

NAACP Mass Meeting

Citizens, including NAACP President M. W. Day, Mrs. Baxter Collier, Rev. Kelly Miller Smith, R. B. J. Campbell attorney and head of the C. Napiers Bar Association, led others in a victorious fight to free the helpless lad.

In three resolutions, the group charged that Loser's "conduct is destructive of community harmony and can serve to arouse only ill will;" that the Nashville press has been guilty of trying the Hockett case in the headlines, and recommended that the Nashville bar and library association and the J. C. Napier lawyers association investigate the case.

Loser's statement answering the charges of the NAACP came in a prepared statement. It read in part:

"I regret exceedingly that two pending criminal cases have become the subject of a public

PAUL HOCKETT

gathering of colored people.

"No Discrimination

"There is positively no racial discrimination in these cases. Criminal justice is not meted out on the basis of comparison. Every case must rest on the facts and circumstances surrounding it, without reference to race, creed, or color. Such was the course pursued in these cases."

The grand jury that freed the Hockett boy included the first colored citizen to serve on its roster since Civil War Days. He is Dr. H. H. Walker, former president of the National Medical Association and a prominent Nashville physician.

Henry Jones Indicted On Rape Charge

By JIMMIE COOPER

MEMPHIS, Tenn. — (SNS) — Henry Jones, 49, 302 S. Lauderdale, was indicted by the Shelby County Grand Jury Tuesday on a charge of rape and crime against nature.

Jones was held to the state last Friday in General Sessions Court by Acting Judge Marvin Groff on a criminal charge.

Police said Miss Louis Perry, 35, 302 S. Lauderdale, claims Jones entered her room on Tuesday night without warning, knocked her unconscious with a kitchen fork, and proceeded to rape her.

The Perry lady claims she rented the room from Jones on Saturday night for $6 per week. Jones' wife stayed away from home on Tuesday night. Jones came home drunk, became angry because his wife was away and turned his attention on her after he had knocked her unconscious.

When Miss Perry regained consciousness she called police who arrested Jones on the charge.

12-Year-Old Boy Freed Of Assault

Nashville Citizens Upset Over Treatment Of Youth

By W. A. REED JR.

NASHVILLE, Tenn — This week brought to a finish the case against Paul Hockett, 12-year old lad who was freed of charges of criminal assault in March upon a white woman in Belle Meade here in Nashville.

The youth had been held in the City Detention Home without bond and his case aroused a furore in Nashville hitherto unknown, at the same time he was confined as a white man, James K. Petre, 40, was released after being charged with carnal knowledge of a 7-year-old colored girl.

GI Gets 5 Years In Rape Trial

A Criminal Court jury yesterday sentenced a Fort Knox soldier to five years' imprisonment for a morals offense against a 13-year-old Springfield, Tenn., girl.

The soldier, Pfc. Allen A. Christy, 21, Pratt, W. Va., had been charged with rape. The jury found him guilty of a lesser offense, carnal knowledge of the girl.

The girl charged that Christy forced her and a 15-year-old companion into his car on Broadway near Fifth last August. Two soldiers were in the car, she said.

The two girls had run away from their Springfield homes and were on their way to Columbus, Ohio, by bus when they were abducted, she testified.

The girl said Christy parked the car on a side road off Dixie Highway near Seventh Street Road.

Christy testified that the girl consented to having relations with him.

Judge L. R. Curtis took under submission a motion for a new trial made by Frank Haddad, Jr., Christy's attorney.

The case of Cpl. William Thomas Buttons, also of Fort Knox and one of Christy's companions, was postponed until Friday. Buttons is charged with detaining a woman.

8539

Woman, 25, Is Convicted In Rape of Texas Girl, 12

DALLAS, Tex., Feb. 28 (UP).—A twenty-five-year-old woman stood convicted of rape today in one of the few cases of its kind in Texas legal history.

A Criminal District Court jury last night found Shirley Beatrice Mook guilty of "aiding and encouraging, by words and gestures," the rape of a twelve-year-old Dallas girl. She was sentenced to ten years imprisonment.

Miss Mook's common law husband, Charles Edward Klinedinst, twenty-eight, was convicted of raping the girl in a separate trial in December and was given the death penalty. His case is on appeal.

Counsel for the convicted woman said they had not decided whether to appeal. Asked how she felt about the verdict, she told reporters, "Not too bad." Her defense was that her common law husband forced her to aid him.

Attack 2 Months Old

He was then charged with assaulting Mrs. Dorothy Bartlett who testified that she had been attacked two months before in her home by a colored man she could neither identify nor describe.

During the trial not one shred of evidence was produced to connect the youth with the alleged crime, yet an all-white jury found him guilty and he was sentenced to 99 years.

NAACP attorneys appealed the conviction on two counts, the refusal of the trial court to allow Roseburough to testify as to the conversation and the promise of the bondsman, and the error in admitting the alleged confession.

Court Upsets 99-Year Term

Youth Victim Of Woman's Charge

AUSTIN, Texas—The 99-year prison term imposed upon 19-year-old John Taft Roseburough of Brownwood, convicted for the alleged attack of a white woman, was reversed here last week by the Court of Criminal Appeals.

The decision was reversed on the grounds that the trial court, the District Court of Brown County, erred in refusing to let Roseburough testify concerning a 7-hour inquisition he was subjected to by a bondsman who encouraged the boy to sign a "house-peeping" confession with the promise of getting him out of trouble.

Roseburough was first arrested in San Angelo, Texas, Dec. 19, 1951, on suspicion of "house-peeping." He was held in jail four days before any official charge was made against him.

8540

Blond attacker gets 1 year, fine

MANASSAS, Va. — Claude N. Million, 21, white, who was accused last week in the assault of a seven-year-old girl, was given a maximum sentence of 12 months in jail, and a $500 fine in a hearing before Trail Justice C. Lacey Compton, Maonday.

Commonwealth attorney Stanley Owens told the ANP that the original charge was reduced to contributing to the deliquency of a minor, as a result of trial testimony.

According to the original complaint, Million crawled assaulted the girl in the bedroom of her home.

The mother Mrs. Marion Howard, was visiting the home of a neighbor at the time of the alleged attack.

A local physician treated the victim, who was found bruised and bleeding by the mother and several neighbors.

Verdict Of White Va. Jury Cheered

NORFOLK, Va.—(ANP)—Although a white woman said on the stand in Princess Anne County Circuit Court last week, that she was positive Ruffin Junior Selby, described as a "big, burly Negro," was her assailant on the night of June 6, Selby was acquitted of the rape charge as the courtroom, packed with spectators, applauded.

It took an all-white male jury only thirteen minutes to reach a decision.

When the court opened the trial Selby was under charge of assaulting 40-year-old Mrs. Carmela Cravodi after brutally slaying her companion, Chief Quartermaster Dean L. Kirkdrfer, a Navy man, early on the morning of June 6.

THE COUPLE had spent the evening at the Chiefs Club at the Naval Base and had turned down a dirt road known as Johnsons Road. The woman said when the murder was first reported, that they were looking for some coffee. At the trial last week she claimed that they stopped on the road to smoke a cigarette.

The white woman told the jury she was positive that her attacker was Shelby, a 25-year-old Norfolk County truck driver.

Since Shelby was acquitted of the rape charge, Commonwealth's Atty. Paul W. Ackiss said he planned to nol pros murder and robbery indictments against the defendant. He explained.

"I just don't see how I can put the boy through the expense of having to defend any more charges. The rape case was definitely the best I had against him."

• • •

HE SAID, however, that he would leave the robbery and murder charges against Selby on the Prince Anne Circuit Court docket "just in case new evidence should come to my attention."

Shelby was arrested on June 20. Some weeks later he was released under bond, and was brought to trial last week. Bond was first set at $15,000, but later it was reduced to $12,500.

Mrs. Cravedi testified that she was certain the attack occurred during the bright moonlight between 12:30 and 12:45 A. M. But this testimony was attacked by the defense which placed a weather man on the stand to show by his record that the moon did not rise until 1:02 A. M. and a school teacher who placed Shelby about a mile from the assault scene at 12:45 A. M.

The jury, all male, returned the verdict just thirteen minutes after retiring from the courtroom. It was greeted with applause. Friends and members of the family clustered around Selby who greeted the victory with calmness and complete composure.

• • •

THOUGH THE woman at one time failed to identify Selby as her assailant, later she told the jury in court that she remembered him positively by saying, "I remember him across his eyes."

The car with the dead body of the Navy man and the semi-conscious woman in it was discovered by three sailors riding horesback through the woods near Wilder's Drive-in Theatre after 9 A. M. the morning of June 6.

The Norfolk Branch of the NAACP headed by Jerry O. Gilliam, raised money for Selby's defense. Victor J. Ashe and J. Hugo Madison of Norfolk and James O. Overton of Portsmouth were defense lawyers.

Judge Floyd B. Kellam presided at the trial.

All White Jury Takes 13 Minutes To Acquit Negro Of Rape Of White Woman

Norfolk, Va.— (ANP) — Although a white woman said on the stand in Princess County Circuit court last week that she was positive Ruffin Junior Selby, described as a "big burly Negro," was her assailant on the night of June 6, Selby was acquitted of the rape charge as the courtroom, packed with spectators, applauded. It took an all-white male jury only 13 minutes to reach a decision.

When the court opened the trial Selby was under charge of assaulting 40-year-old Mrs. Carmelia Cravodi after brutally slaying her companion, Chief Quartermaster Dean L. Kirkdrfer, a navy man, early on the morning of June 6.

The couple had spent the evening at the Chiefs club at the Naval Base and had turned down a dirt road known as Johnson road. The woman said when the murder was first reported that they were looking for some coffee. At the trial last week she claimed that they stopped on the road to smoke a cigarette.

The white woman told the jury she was positive that her attacker was Selby, a 25-year-old Norfolk County truck driver.

Since Selby was acquitted of the rape charge, Commonwealth's Atty. Paul W. Ackiss said he planned to nol pros murder and robbery indictments against the defendant.

$3,000 Spent To Free Man In Attack Case

NORFOLK, Va. — (ANP) — It took $3,357.80 to have Ruffin Junior Selby from death on the charge of raping a white woman and killing her male companion last summer, it was disclosed here last week. White and Negro citizens gave $3,308.91 to the Selby Defense Fund, and only $251.11 was left after Selby won his freedom in court.

A report on the receipts and disbursements from the Selby Defense Fund was made last week by the Norfolk branch of the National Association for the Advancement of Colored People. The report was signed by Jerry O. Gilliam, president, the Rev. E. C. Walton, secretary, and Thomas W. Stansoll, treasurer of the local branch.

Payments totaling $2,485 were made to the three lawyers who defended Selby and won his acquittal by a Princess Anne County jury of one colored and 11 white men.

Clerical help cost $146, and $47.65 was spent for stamps, stationery and printing. The report showed that $379.10 was applied to "memberships, in accordance with the desire of some contributors who indicated that they wanted to be members of the branch.

The three attorneys, J. Hugo Madison, Victor J. Ashe and James A. Overton filed a supplemental report accounting for the $2,485

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Men Get 50 Years Each For Rob-Rape

NORFOLK, Va.—(ANP) — Two men received sentences totaling 100 years last week for their part in the rape, robbery and slashing of a married woman in the woods last October.

The men, Elliott Jones, 22, and Raymond Wilson, 19, were each given 40 years on charges of rape, and 10 each for robbery. The court decreed that the sentences would be served consecutively.

The victim of the rape, robbery and assault, a 25-year-old farm wife, testified that her three captors, after the assault, tried to cut her eyes out.

She was forced to walk into the woods and her clothes were torn from her body and her jewelry, valued at $154.71, were taken from her, she said, and then she was raped twice by each man.

The men piled brush on her, she said, and left her in the woods.

Elliott Jones was arrested within 18 hours of the offense, and the arrest of Raymond followed. James Jones, brother of Elliott Jones, was still being sought last week in connection with the crirme.

Rape Charge Against Marine Dropped

SPITSYLVANIA, Va., March 9 (AP).—A rape charge against a 42-year-old Quantico Marine was dropped in Spotsylvania County Circuit Court yesterday.

Clifford G. Wi[illegible] had been accused of raping a Negro baby sitter as he was escorting her home one October night in 1951. A jury of six whites and six Negroes deadlocked 6-6 when the case came to trial last September. A second trial was to have been held this week.

Skipper May Ask Rape Case Retrial

(Special to Journal and Guide)

LYNCHBURG, Va.—The appeal of 20-year-old Bernard Skipper, convicted of raping a white woman after a trial from which press and public were barred this week appeared to hinge upon whether or not sufficient funds can be raised for printing of necessary court records and briefs.

Skipper was sentenced to 30 years in the state penitentiary on the rape charge by Judge S. Duval Martin after a Corporation Court jury found him guilty of the crime allegedly committed last September 22.

* * *

EARLIER IN the week Skipper was convicted of two burglary charges, one involving a larceny attempt and the other involving an alleged rape attempt upon a 12-year-old Negro girl.

In these two cases he received sentences totalling 17 years.

The press and public were barred from the rape trial while the alleged victim was giving testimony by Judge Martin who said he was acting within his "discretion" under Virginia law since he felt that the victim might feel more free to tell the jury what had happened.

* * *

FOLLOWING completion of the evidence and a conference between Judge Martin, Commonwealth Attorney Royston Jester III, and the defendant and his attorneys, the trial was again opened to the press and public.

After the resumption of the trial, summations by the opposing counsel indicated that the Commonwealth's case had leaned heavily upon the woman's visual identification of Skipper as her assailant.

* * *

ATTORNEYS Harold B. Singleton and L. H. Shrader, who conducted Skipper's defense, attempted to show that the room was not enough light in the room where the attack took place to make such identification possible.

The prosecution, however, quoted a police officer who testified that a street light 50 feet from the house and lights in a hall and rooms adjoining the bedroom created a "twilight."

* * *

COMMONWEALTH Attorney Jester said that the victim had been seized at the bedroom door, dragged to the bed and thrown down with such force that the bed collapsed.

The assailant, according to Jester, put one hand over the woman's mouth and another over her nose, and she, fearing that she would suffocate, decided that further resistance was useless.

* * *

FBI LABORATORY tests of hair samples taken from the bed and from Skipper's body were found to be dissimilar, according to the testimony of the FBI agent who took the stand.

Defense witnesses who included Skipper's mother, Mrs. Patsy Robinson; his wife, his step-father, James Robinson, and a taxi driver, attempted to establish a claim that Skipper had been at home and in bed an hour before the crime took place.

* * *

SKIPPER'S attorneys said that approximately $1,000 would be required to cover the expenses of an appeal on the two burglary and the rape conviction, and that at least $350 would be needed for an appeal of the rape conviction alone.

About a month before he was arrested and charged in the rape case, Skipper filed a $100,000 damage suit charging false arrest, unlawful detention and assault against a Lynchburg police lieutenant and three patrolmen. He claimed that he had been arrested twice and beaten without cause by the policemen.

* * *

THE POLICEMEN in the case were afterward cleared by Lynchburg Chief of Police J. Hillyer Boice who said that Skipper had been suspected of a felony and that the policemen had "used no more force than was necessary" in arresting him.

The Justice Department was called into the case but found no evidence of violation of Skipper's civil rights.

* * *

IN DISCUSSING plans for an appeal in the present rape conviction, Attorney Singleton said that a petition for writ of error would contend that the evidence had been insufficient for a conviction; that improper evidence had been admitted; and that there had been errors in giving and receiving instructions.

Hung Jury in Case Of Negro Accused of Raping White Woman

PORTSMOUTH, Va. — (ANP) —A jury was unable to make a decision here last week in the Court of Hastings where Edward Leon Woodley, a 22-year-old Negro, was tried on a charge of raping a 36-year-old white woman. A mistrial was entered in the case.

Despite the woman's testimony and the statements of Portsmouth Police Officers F. S. Sorrell and L. D. Dilden the evidence did not appear conclusive enough to the jury for a verdict against the defendant.

The jury spent almost three hours reviewing the evidence. Afterward the foreman informed the court that he did not think a decision could be made. It was the second hung jury in the case.

The woman testified that she got off a tunnel bus and walked to catch a Prentis Park bus when the man grabbed her by the throat and arm, dragged her to a field and raped her.

The defendant pleaded not guilty to the charge. He insisted that there was no resistance on the part of the woman.

The officers said the woman was excited when she stopped them in the patrol car. Thomas H. Reid, Portsmouth Negro lawyers, was counsel for the defendant.

Police win assault case

Judge unmoved by defense testimony

RICHMOND

Apparently unmoved by defense testimony, Judge Harold C. Maurice Tuesday found two policemen "innocent" of charges that they assaulted a pregnant woman while making an arrest.

Four witnesses, including a white grocery store owner, testified in Police Court that officers W. D. Hagins and Julius Neider dragged Mrs. Mildred D. Pleasants across the street to the patrol wagon "on her knees," and dumped the then unconscious woman in the gutter "on her stomach."

The officers said that at no time did they mistreat the woman. They denied striking her and said they "carried" her across the street. Officer Hagins said Mrs. Pleasants spit in his face and slapped him. Officer Neider said "she fought us every inch of the way and tried to grab my gun."

Mrs. Pleasants, 2904 E. Clay st., was arrested July 25 following a fight with her sister, Mrs. Virgetta Robinson. Witnesses said Mrs. Robinson, who was not arrested, started the fight. Warrants were obtained for the policemen Wednesday by a NAACP committee.

The judge found the expectant mother guilty of disorderly conduct and of resisting arrest and fined her $20. NAACP lawyers have appealed.

Safety director Foster said Tuesday he has ordered a "full investigation" of the incident.

Escape..! From Shadow Of The Electric Chair

"Confession" Put Man In Death Cell

"I Was Lucky" Says Victim Of False Rape Accusation

By THOMAS L. DABNEY

NORFOLK—Do you remember William Harper who languished in jail in Norfolk under the shadow of the electric chair over 60 days on a charge of raping a Portsmouth white woman? That was in 1931, and after 22 years Harper admits he still feels uncomfortable when he thinks how he narrowly escaped death for a crime he did not commit.

Sentenced to death in the electric chair following trial, he faced the prosect of losing his life until a new trial proved him innocent.

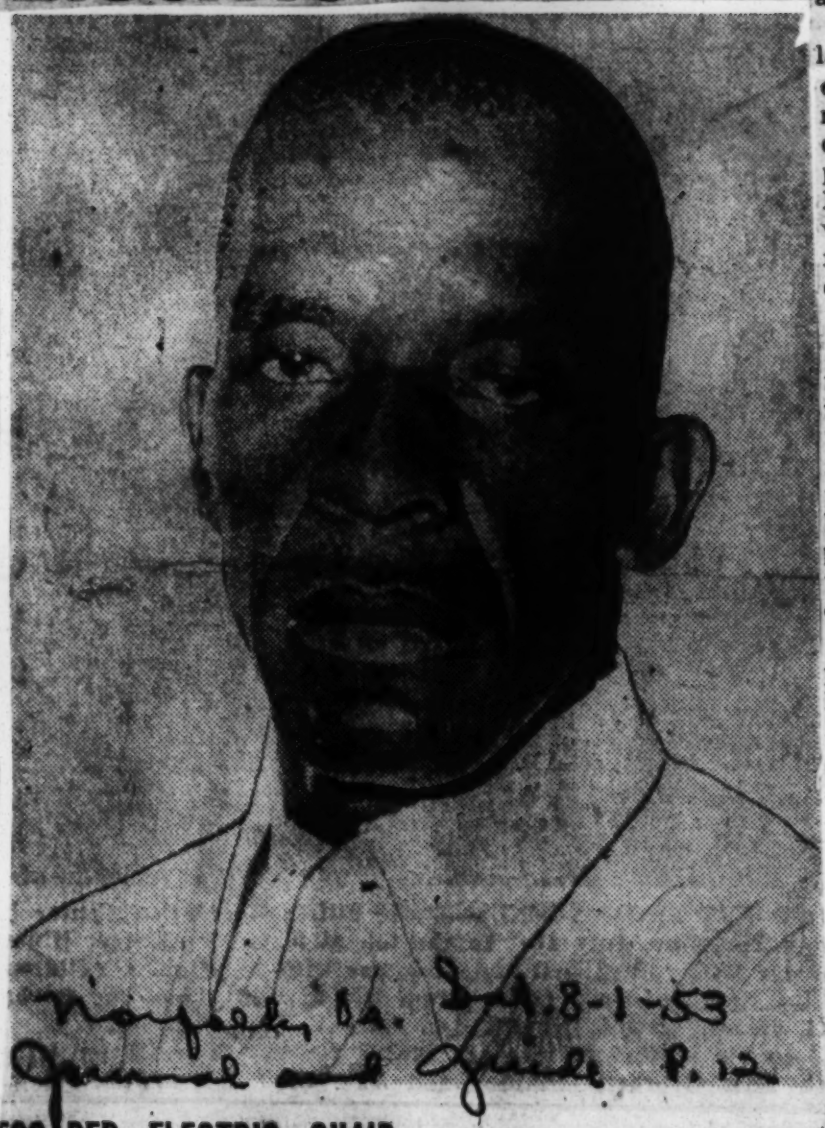
Harper is still grateful for the honesty of white and colored witnesses whose testimony during the bitterly contested trial won his freedom. He was and is still thankful for the honesty of white women who had the courage to tell the truth when a man's life was hanging in the balance.

THE HARPER story dates back to January 6, 1931, the date on which the accuser said Harper slugged her in the stomach and dragged her into Upton's Lane and raped her. She said she had just got off the ferry on the Norfolk side and was on her way to take banjo lessons at a music studio in Norfolk. She claimed Harper also robbed her of $1.50 and that the blow rendered her unconscious.

Harper was arrested on the day after the alleged crime reportedly for disorderly conduct on Boush street. The Journal and Guide story published on Jan. 17, 1931 pointed out that the "crime was not reported to Norfolk police until the day after the crime." It added:

"... **NO TIME** was lost in having a special grand jury indict Harper. Following his arrest, a special grand jury was named and indicted Harper Friday after only eleven minutes deliberation." It also was reported that Harper had been picked out from among eight colored men by his accuser.

The court appointed W. H. Starkey to defend Harper, and his family retained W. H. Land, Norfolk colored lawyer, to assist with the defense. Land later withdrew from the case.



ESCAPED ELECTRIC CHAIR — William Harper, above, is alive today only because people who knew he was innocent of a charge of raping and robbing a Portsmouth white woman in Upton's Lane the night of Jan. 6, 1931 had the courage to testify in his defense. Harper said this week he still feels uncomfortable when he thinks how narrowly he escaped being electrocuted for a crime that he did not commit.

* * *

HARPER, WHO was only 22 and single, denied all knowledge of the crime "for several hours," according to a Guide story, "but after being grilled by police is said to have made a confession."

During the trial, Harper's lawyers charged that their client had been beaten into submission and that the purported confession was forced by brutal police tactics at headquarters. Harper said the "confession" was written and given to him for his signature and that he didn't even know the wording.

HARPER HAS until this day the scars from the beatings by which police forced him to "confess." He told the Guide in an interview Tuesday that police beat him with a rubber hose and threatened him by pointing a gun at him "like they were going to shoot" if he didn't confess to the crime.

As proof of the beating, Harper pointed to the scar on his head, and several scars on his left leg below the knee.

* * *

"BECAUSE A white man and wife want to see simple justice done," to quote a Guide story of Feb. 7, 1931, Harper's defense took a turn for the better. Affidavits furnished Mr. Starkey by Rex W. Rodgers and Mrs. Virginia Rodgers, and one from Dr. K. W. Howard, also white, and all residents of Portsmouth, cast grave doubt for the first time during the trial that Harper's accuser was in Portsmouth at the time of the alleged crime.

The Rodgers, in sworn statements, denied "positively" that the woman could have been in Norfolk at the time of the crime. Before the trial was over the court was told the alleged victim drank excessively and was subject to delusions. Dr. Howard told the court he found no evidence that the woman had been "roughly handled."

* * *

DR. HOWARD further testified that there was no bruises about the victim's body and that he smelled "what he recognized to be the odor of whiskey" on the woman's breath. Despite the testimony of these witnesses Harper was convicted and sentenced to die in the electric chair.

Harper's lawyers hoped with the testimony of the Rodgers couple, Dr. Howard and others to win a new trial for their client on a motion before Judge Allan R. Hanckel. Mrs. J. F. Brittian, of Portsmouth, testified that she saw Harper's accuser on the night of Jan. 6 between 8 and 9 p. m. at a dance hall managed by an Elizabeth City, N. C., man.

* * *

IN AN INTERVIEW with a staff member of the Guide which was published Feb. 28, 1931, W. H. Starkey disclosed that Harper's accuser had made a confession to T. E. Gilman, Portsmouth lawyer, that the "charges against" Harper "are untrue."

Gilman, according to the report made to the Guide, had been retained "by a white married man of Portsmouth who had become implicated in the case," and he wanted to protect his interest.

* * *

TWO OTHER witnesses who testified against Harper's accuser were J. W. Gregory and W. H. Whitehead. They furnished Frank L. Hobert, one of Harper's attorneys, with affidavits in which they said they were working at a window facing Upton's Lane "but they did not hear any woman scream" on the night of the alleged rape nor did they "hear any disturbance."

During the final battle to save Harpers life which began on March 4th witness after witness gave testimony which shattered all efforts of the prosecution to sustain Harper's conviction. Nine new witnesses placed the victim in North Carolina on Jan. 6.

* * *

THE MOST damaging evidence against the woman was given by W. P. Kidd, Portsmouth restaurant operator, who testified that he took her to a North Carolina road-house near Elizabeth City, N. C. on the night of Jan. 6, 1931 and that he remained with her until about 6 o'clock the next morning.

A number of other witnesses, white and colored, including Attorney Tom E. Gilman broke down the last vestige of facts submitted by the prosecution. The testimony was so conclusive against Harper's accuser that when the case was finally given to the jury, it took only 34 minutes to return a verdict which lifted the shadow of death from over Harper's head and sent him home a free man.

* * *

HARPER, WHO IS now 44 and lives at 710 Windsor avenue, Norfolk regards himself one of the luckiest residents of Norfolk But

I did not realize how bad off I was until I had been taken back to my cell. Then I cried and cried. I could not sleep much and hardly ate anything. . . . They made me confess . . .

* * *

A NEWS ACCOUNT by Allyn Greenville published on the front page of the Guide for March 14, 1931 quoted Harper as follows: "After my first trial, when I was convicted and the jury said I must die in the electric chair, I know that although I am innocent, I am lucky to be free . . ."

now and then the thoughts of his narrow escape from the electric chair flash across his mind. He put it this way Tuesday:

"I think about it a lot—what a narrow escape I had. The police wrote a confession," he said, "and had me sign it. Then he told how the police beat him and threatened him by pointing the gun at him in an effort to get a confession to the crime.

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rothers executed for irl's assault-murder

WALLA WALLA, Wash., Jan. 3 (AP)—Hoping to the last for another reprieve, Turman and Utah Wilson, brothers, were hanged Saturday for the kidnap-slaying of 18-year-old Joann Dewey.

Turman, 26, oldest of the two brothers, was first to die. He dropped through the trap in the state penitentiary death house at 12:06 a.m., PST (2:06 a.m., CST). One minute later, Utah, 22, plunged to his doom.

A telegram arriving a few minutes after the execution temporarily mystified prison officials. It was signed Warren C. Magnuson, name of the state's senior senator, and directed to Warden John Cranor.

It said: "Herewith is ordered stay of execution of Wilson brothers by emergency decree presidential authority, delegated through the U. S. senator from Washington. Confirmation coming from Olympia."

No confirmation came, and Sen. Magnuson, reached by telephone, denied having sent the telegram. Prison officials regarded it as a prank.

Miss Dewey was kidnaped the night of March 19, 1950, from a Vancouver, Wash., street and carried off in an automobile. A week later, her nude body was found in the Wind River east of Vancouver. She had been raped.